

Ombudsman Program: Customer Satisfaction Survey

The Office of Injured Employee Counsel

Norman Darwin, Public Counsel



June 2, 2008

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I. INTRODUCTION

The Office of Injured Employee Counsel (OIEC) was formally established on March 1, 2006 as a result of the adoption of House Bill (HB) 7, 79th Texas Legislature, Regular Session, 2005. The statutory authority for OIEC is found in Chapter 4.04 of the Texas Labor Code. This statute sets out the duties of OIEC, which are to represent the interests of injured employees in the Texas workers' compensation system. OIEC serves as an advocacy agency to protect the rights of injured employees by participating in the workers' compensation rulemaking process; providing services, referrals, and educational information to the injured employees of Texas; and providing Ombudsman assistance at no cost to unrepresented injured employees in proceedings before the Texas Department of Insurance.

OIEC contracted with the University of North Texas Survey Research Center (SRC) to conduct a customer satisfaction survey pursuant to Section 2114 of the Government Code. The survey was designed to measure the satisfaction of injured employees who have had a dispute with their workers' compensation claims or were assisted by an Ombudsman. The objectives of the survey were to measure injured employees' opinions of:

- The fairness of the Workers' Compensation dispute process;
- Assistance they may have received from an Ombudsman employed by OIEC; and
- Assistance they may have received from an attorney during the dispute process.

The survey serves as a comparison against a previous survey conducted in 1997 by the Research and Oversight Council on Workers' Compensation (ROC), which is now a part of the Texas Department of Insurance, Workers' Compensation Research Group.

This Report on Customer Service includes OIEC's Compact with Texans, applicable customer-related performance measures, methodology, findings, and a 1997 and 2008 comparison.

OIEC takes pride in the customer service provided to the injured employees of Texas. In an effort to enhance this service, OIEC is adding a Customer Satisfaction Survey to its website located at:

www.oiec.state.tx.us

II. COMPACT WITH TEXANS

What is a Compact with Texans?

The compact with Texans is OIEC's "contract" with the citizens of Texas. The compact sets out the principles and standards we follow in delivering the best possible services we can to our customers. It defines the ways we will fulfill our statutory mandate to represent the interests of injured employees in the workers' compensation system. It also provides information regarding the services we offer and how you can access them.

Customer Service Principles

OIEC exists to assist, educate, and advocate on behalf of all injured employees in Texas. To do this well, we must adhere to the following service principles:

- We will respond to your inquiries as quickly as possible.
- We will treat you fairly with courtesy and respect.
- We will demonstrate the strongest ethical and professional practices.
- We will seek your input and feedback on our services and processes.
- We will follow through on our commitments.
- We will work as efficiently as possible.
- We will give you accurate, consistent and clear information; and
- We will treat your case with confidentiality to the fullest extent the law permits.

Agency-wide Customer Service Standards

- We will acknowledge your written inquiry, complaint or correspondence as soon as possible, but in most cases within 2 business days (16 business hours) after we receive it.
- We will respond to requests for public information in accordance with the processes and time frames set out in the Texas Public Information Act. Information that is clearly open to the public will be provided as soon as reasonably possible and without delay.
- We will give complainants a written response within 30 days from the date we receive your complaint.

Contacting the Office of Injured Employee Counsel (OIEC)

Physical location of state office headquarters:

7551 Metro Center Drive, Suite 100
Austin, Texas 78744

Field offices:

OIEC has 24 field offices located across the State. These offices are located within the field offices of the Texas Department of Insurance, Division of Workers' Compensation. You may search for a local office based on your zip code at www.tdi.texas.gov/wc/fieldoffices/focounty.html

Physical locations of the 24 offices are listed at www.tdi.state.tx.us/wc/dwcccontacts.html#offices

Mail correspondence to:

7551 Metro Center Drive, Suite 100, MS-50
Austin, Texas 78744

Fax correspondence to:

512-804-4181

Services for hearing or speech-impaired individuals:

Persons with a hearing or speech impairment using TDD or TTY technology may call Relay Texas at 1-800-735-2989 for assistance. Be sure to have the telephone number at OIEC that you are calling available so Relay Texas may assist you in calling that number.

E-mail: General inquiries may be sent to OIECInbox@oiec.state.tx.us

Web site: www.oiec.state.tx.us

Filing a Complaint

To file a complaint regarding OIEC's policies, procedures, or personnel, please mail, e-mail, or fax your complaint letter or completed [complaint form](#) along with all documentation to:

Attn: Customer Complaint Coordinator
7551 Metro Center Boulevard, MS 50
Austin, TX 78744

Email: OIECComplaints@oiec.state.tx.us

Phone: 512-804-4170

FAX: 512-804-4181

OIEC pledges to acknowledge your complaint within 2 business days and provide a response to a complaint within 30 days from the date the complaint is received. This allows for a thorough review and investigation of the matter.

OIEC is not the agency charged with regulating the worker's compensation system; however, OIEC can put you in contact with the appropriate agency to receive and consider any complaint you have about a participant in the workers' compensation system.

Services Offered

The Office of Injured Employee Counsel (OIEC) represents the interests of injured employees in the workers' compensation system. The primary services offered by OIEC are listed below:

Advocating for Injured Employees

OIEC advocates for injured employees as a class in order to protect the rights of all injured employees in Texas. OIEC advocates during official proceedings such as the Texas Department of Insurance's rulemaking processes. OIEC also monitors the performance and operation of the workers' compensation system with a focus on the system's effect on the return to work of injured employees.

Providing Education and Referral

OIEC provides injured employees with educational materials and provides referrals to appropriate local, state and federal agencies. For example:

- OIEC assists injured employees with contacting appropriate licensing boards to file complaints
- OIEC refers injured employees for financial assistance, rehabilitation, work placement programs, and other appropriate social services
- OIEC maintains an Injured Employee Home Page in English and Spanish on its website at www.oiec.state.tx.us/resources.html. The information at this website is intended to provide a one-stop source of information that can help injured employees throughout the workers' compensation claim process. Information on the website includes, but is not limited to:
 - Injured Employee Rights and Responsibilities in English, Spanish, Chinese, Korean and Vietnamese
 - An Access Plan for Spanish speakers
 - Workers' Compensation Fact Sheets on various topics
- OIEC provides public speaking services. These services can be requested by sending an e-mail request to OIECInbox@oiec.state.tx.us

Providing Ombudsman Services

Ombudsmen are specially trained employees who, at no charge, assist injured employees with disputes in the workers' compensation system including administrative disputes and the resolution of complaints pending at the Texas Department of Insurance. Ombudsmen assist employees with benefit review conferences, contested case hearings, preparation of appeals

and other matters in the workers' compensation system. Ombudsmen have a workers' compensation adjuster's license and complete a comprehensive training program unique to their roles and functions.

In addition to ensuring the training and qualifications of ombudsmen, OIEC also ensures that an Ombudsman will conduct a private meeting with an unrepresented injured employee of at least 15 minutes duration before any informal or formal hearings.

Media Contact

Media Inquiries should be submitted to the Deputy Public Counsel, Brian White, at 512-804-4186.

Customer Relations Representative

If you have any comments or suggestions about the services and standards identified in OIEC's Compact with Texans, please contact OIEC's Communication Specialist, Joann Anderson, at 512-804-4189.

III. CUSTOMER-RELATED PERFORMANCE MEASURES

OUTCOME MEASURES

- Percentage of Surveyed Customer Respondents Expressing Overall Satisfaction with Services Received – 70.7%
- Percentage of Surveyed Customer Respondents Identifying Ways to Improve Service Delivery -- NA

OUTPUT MEASURES

- Total Customers Surveyed -- 8,806
- Total Customers Served – 200,000

EFFICIENCY MEASURES

- Cost per Customer Surveyed -- \$7.55
- Cost per Survey Completed -- \$34.00

EXPLANATORY MEASURES

- Total Customers Identified – 205,000
- Total Customer Groups Inventoried -- 1

IV. SUMMARY OF FINDINGS

Fairness of the dispute process

- Injured workers with attorney representation were more likely to report that the workers' compensation dispute process was extremely unfair (51.7 percent) or somewhat unfair (22.9 percent) to injured workers than injured workers with ombudsman assistance (extremely unfair-42.7 percent; somewhat unfair-22.0 percent).
- The most common reasons given for why the dispute process was unfair to injured workers were the length of time it takes to resolve a dispute (89.8 percent with ombudsman assistance; 92.1 percent with attorney representation), and the hearing officer paid too much attention to the insurance company (72.7 percent with ombudsman assistance; 73.6 percent with attorney representation).
- Forty-six percent of injured workers with ombudsman assistance and 36.1 percent of those with attorney representation either strongly agreed or somewhat agreed that workers' compensation disputes are settled fairly and equally by the Division of Workers' Compensation.

Ombudsman assistance

- Fifty-four percent of injured workers received assistance from an ombudsman.
- Eighty-one percent of injured workers who received assistance from an ombudsman heard about the program through someone from the Division of Workers' Compensation, followed by 48.5 percent who learned of it through brochures or a letter received about their claim.
- The top reason for choosing assistance by an ombudsman was difficulty in getting medical treatment or the weekly check (69.8 percent). The second most common reason was that the ombudsman program is free (67.8 percent).
- Ninety-one percent of injured workers indicated that their ombudsman went over their case before the dispute hearing. Fifty-seven percent reported they met with or spoke on the phone to their ombudsman four or more times about their case. Less than half (47.4 percent) reported spending one or more hours meeting or talking with their ombudsman about their case. Two-thirds (67.6 percent) indicated they had enough time with their ombudsman before the hearing. A majority of injured workers reported that their ombudsman seemed to understand their case (80.6 percent) and workers' compensation law (91.8 percent).
- Sixty-six percent of injured workers with ombudsman assistance reported feeling adequately prepared for their dispute hearing.
- Seventy-one percent were either extremely satisfied (40.9 percent) or somewhat satisfied (29.8 percent) with their ombudsman.

Attorney representation

- Sixty-two percent of injured workers hired an attorney.

- The top reason for choosing representation by an attorney was difficulty in getting medical treatment or the weekly check (84.2 percent). The second most common reason was lack of understanding about how the workers' compensation system worked (66.7 percent).
- Seventeen percent of injured workers with attorney representation reported contacting three or more attorneys before they found their present attorney. When injured workers who did not hire an attorney were asked if they had tried to hire one, 38.7 percent answered "yes." Of those who tried unsuccessfully to hire an attorney, 56.8 percent indicated that there were other attorneys who were unwilling to take their case. The most common reasons for the attorney's unwillingness to take the case were no financial incentive (56.0 percent), followed by an unfamiliarity with workers' compensation (42.2 percent).
- Seventy-nine percent of injured workers indicated that their attorney or some other legal staff person went over their case before the dispute hearing. Sixty-seven percent reported they met with or spoke on the phone to their attorney four or more times about their case. More than half (53.8 percent) reported spending one or more hours meeting or talking with their attorney about their case. Sixty-three percent indicated they had enough time with their attorney before the hearing. A majority of injured workers with attorney representation reported that their attorney seemed to understand their case (77.9 percent) and workers' compensation law (89.3 percent).
- Sixty-four percent of injured workers with attorney representation reported feeling adequately prepared for their dispute hearing.
- Fifty-nine percent were either extremely satisfied (32.4 percent) or somewhat satisfied (26.9 percent) with their attorney. There were statistically significant differences among injured workers with attorney representation. The highest percentages were among injured workers in the West Texas region (67.0 percent) and lowest in the South Texas region (55.4 percent).

V. METHODOLOGY

Population

The population for this study was provided by the Office of Injured Employee Counsel (OIEC). The population consisted of ten groups (see Table A), five regional groups each with injured workers who had a dispute with their workers' compensation claim. The regions represented were North, South, East, West and Central Texas. Records were coded as having used an ombudsman or an attorney. As shown in Table A, a total of 3,890 records for the Ombudsman group and 4,916 for the Attorney group comprised the population.

Sample

The sampling frame for each of the ten groups was produced using internal OIEC records. From each frame, a sample was drawn using a systematic selection process. The objective was to draw samples of sufficient size so that each population and region would be adequately represented in the study. All available records were called and 1,956 interviews were completed. The completed interviews were weighted by region to be representative of the total population (see Table B).

Table A
Population, Sample and Interview Targets by Region

Region	Population		Actual Interview Counts (unweighted)		Interview Counts (weighted)	
	Omb.	Att.	Omb.	Att.	Omb.	Att.
North Texas	1,111	1,642	322	353	247	365
South Texas	1,020	1,382	277	247	227	307
East Texas	423	400	127	78	94	89
West Texas	571	551	132	83	127	122
Central Texas	765	941	178	159	170	209
Total	3,890	4,916	1,036	920	865	1,092

Table B
Weights by Region

Region	Weights	
	Ombudsman	Attorney
North Texas	0.766387	1.03321
South Texas	0.817920	1.24280
East Texas	0.739821	1.13908
West Texas	0.960843	1.47456
Central Texas	0.954622	1.31457

Survey Instrument

The survey instrument was based on a survey done by the Research and Oversight Council on Workers' Compensation in August 1997. While most of the instrument was identical to that of previous years, a few questions were added and a few were dropped. The survey instrument is provided in Appendix A.

NCOA and MSG Processing

The address information from the final sample was sent to a database processing company, FXdirect Inc. in Dallas, Texas, where it was compared to the National Change of Address (NCOA) database. Records without a valid forwarding address were removed from the sampling file.

Once the address file was processed by FXdirect, the phone numbers were sent to MSG to identify usable numbers. A total of 1,345 telephone numbers were identified as incorrect. New phone numbers were found using vendor-licensed databases, Internet lookups on <http://whitepages.com> and directory assistance.

Report Format

The remainder of the report is divided into three sections. The first is "Sample Characteristics." This section is followed by "Findings" which contains satisfaction ratings and measures of the dispute process for injured workers with ombudsman assistance and attorney representation. The final section is the "Conclusions."

A comparison of 2008 and 1997 data can be found in Appendix B. Data from 1997 came from the Survey of Injured Workers Involved in the Dispute Resolution Process, Research and Oversight Council on Workers' Compensation, 1997.

VI. SAMPLE CHARACTERISTICS

Table 1
Sample Characteristics*

	Percentage responding	
	Ombudsman assistance	Attorney representation
Age		
Less than 20	0.2	0.2
20 to 29	3.2	5.2
30 to 39	12.8	15.3
40 to 49	35.0	34.7
50 to 59	32.3	31.3
At least 60	16.5	13.2
Gender		
Male	57.7	58.7
Female	42.3	41.3
Education		
Less than 8 th grade	5.2	8.1
8 th grade or some high school	9.5	12.0
High school graduate/GED	28.2	27.5
Some technical training/voc training/college	40.4	38.9
College graduate	11.8	10.0
Post graduate	4.8	3.6
Income		
Less than \$100 a week	1.4	1.0
\$100 to less than \$200 a week	4.7	3.8
\$200 to less than \$300 a week	11.3	13.5
\$300 to less than \$400 a week	15.3	17.9
\$400 to less than \$500 a week	15.2	15.1
\$500 or more a week	52.1	48.8
Language of interview		
English	91.6	87.9
Spanish	8.4	12.1

- Two-thirds of the injured workers were between the ages of 40 and 59: ombudsman assistance (67.3 percent) and attorney representation (66.0 percent). About 58 percent was male.
- Approximately 40 percent had some technical or vocational training or some college education.
- About half earned \$500 or more a week.
- A large majority completed the interview in English.

* All data, except the region variable, is weighted by region.

Table 1
Sample Characteristics

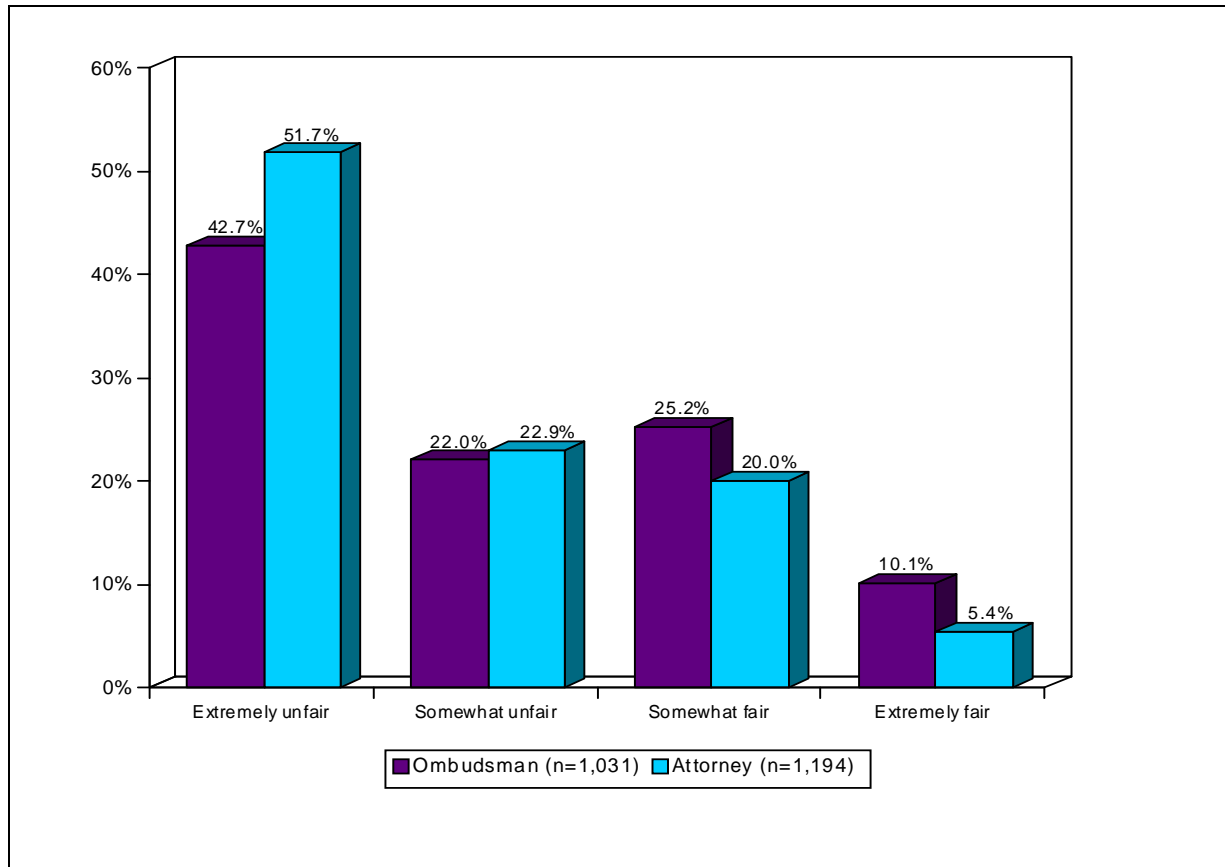
Region *	Percentage responding	
	Ombudsman assistance	Attorney representation
North	32.8	35.5
South	26.7	29.9
East	11.9	9.0
West	11.8	8.8
Central	16.9	16.9

- Approximately one-third of injured workers lived in the North Texas region while over one-quarter lived in the South Texas region.

* Region data is not weighted.

VII. FINDINGS

Figure 1
Fairness Ratings of Workers' Compensation Dispute Process



- Respondents were asked if, in their opinion, they would say the workers' compensation dispute process was fair to injured workers.
- Respondents answering "yes" to question 7 in the survey instrument (Did you receive any assistance from an ombudsman during your dispute?), are presented in purple and are defined in this report as "ombudsman." Respondents answering "yes" to question 23 (Did you hire an attorney), are presented in blue and are defined in this report as "attorney."
- Injured workers with attorney representation were more likely to report that the workers' compensation dispute process was extremely unfair (51.7 percent) or somewhat unfair (22.9 percent) than respondents with ombudsman assistance (extremely unfair-42.7 percent; somewhat unfair (22.0 percent).
- As shown in Table 2, injured workers from the North Texas (59.3 percent) and East Texas (60.5 percent) regions with assistance of an ombudsman were less likely to rate the dispute process as unfair. Injured workers from the East Texas (79.6 percent) and South Texas (78.0 percent) regions with attorney representation were more likely to rate the dispute process as unfair. Neither cross-tabulation was statistically significant.
- See Appendix B for a comparison of 2008 findings with those from the 1997 survey.

Table 2
Fairness Ratings of Workers' Compensation Dispute Process
by Region

Region		Percentage responding		
		Extremely unfair	Somewhat unfair	Extremely fair
North Texas	Ombudsm			
	an	37.3	22.0	11.5
South Texas	Attorney	50.0	20.7	8.1
East Texas	Ombudsm			
	an	45.4	24.2	9.2
West Texas	Attorney	51.7	26.3	4.4
Central Texas	Ombudsm			
	an	41.8	18.7	12.7
	Attorney	53.1	26.5	3.1
	Ombudsm			
	an	46.3	18.4	10.3
	Attorney	51.6	25.8	1.1
	Ombudsm			
	an	40.2	23.2	8.8
	Attorney	51.4	19.6	6.1

Table 3
Reason Workers' Compensation Dispute Process Is Unfair to Injured Workers

Reason	Percentage responding	
	Ombudsman assistance	Attorney representation
It takes too long to resolve a dispute (n=663, 885)	89.8	92.1
No one explained to you how the dispute process works (n=661, 869)	51.2	52.3
No one would listen to you or hear your side of the dispute (n=656, 867)	59.3	63.0
The insurance company had an attorney and you were unable to find an attorney to take your case (n=654, 875)	55.8	28.4
The hearing officer paid too much attention to the insurance company (n=651 852)	72.7	73.6
Other reason, specify (n=662, 878)	59.7	60.8

- Respondents were asked why they believed the workers' compensation dispute process is unfair to injured workers.

Takes too long to resolve a dispute

- As shown in Table 3, 89.8 percent of injured workers with ombudsman assistance and 92.1 percent of those with attorney representation indicated it takes too long to resolve a dispute.

No one explained how the dispute process works

- Fifty-two percent of injured workers with attorney representation and 51.2 percent of those with ombudsman assistance reported that no one explained to them how the dispute process works.

No one would listen to you or hear your side of the dispute

- Sixty-three percent of injured workers with attorney representation and 59.3 percent of those with ombudsman assistance reported that no one would listen to them or hear their side of the dispute.

Insurance company had an attorney and you were unable to find an attorney

- Fifty-six percent of injured workers with ombudsman assistance and 28.4 percent of those with attorney representation reported that the insurance company had an attorney and they were unable to find an attorney.

Hearing officer paid too much attention to the insurance company

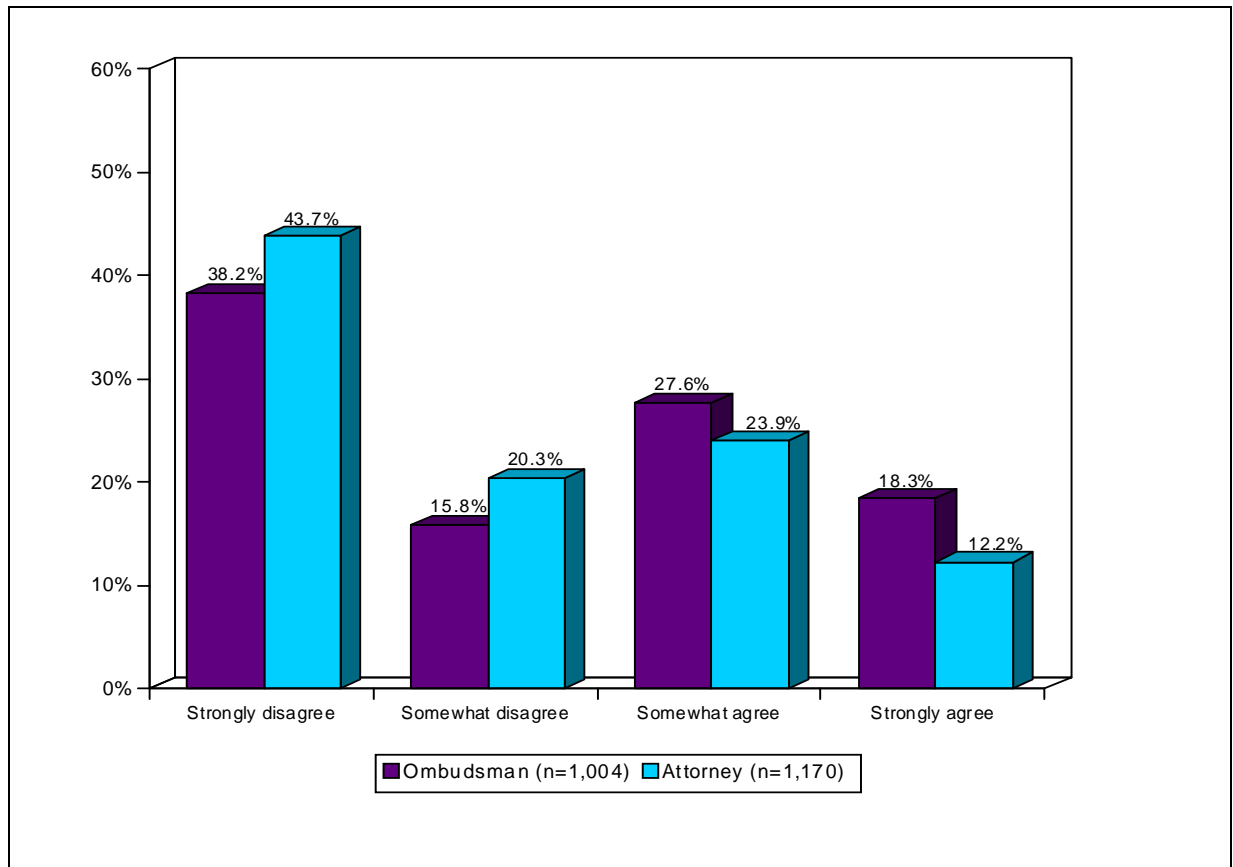
- Seventy-four percent of injured workers with attorney representation and 72.7 percent of those with ombudsman assistance indicated that the hearing officer paid too much attention to the insurance company.

Some other reason the process is unfair

- Sixty percent of injured workers gave some other reason why the dispute process is unfair to injured workers. These reasons included: process supports insurance company/employer/state rather than injured worker; process assumes injured worker is lying or injury is not work-related; benefits not paid/stopped/not enough; mistakes made/lack of support in process/not fair/misrepresented; employment issues; doctor/medical issues; and difficult process/requires an attorney to understand/ difficult to find an attorney.

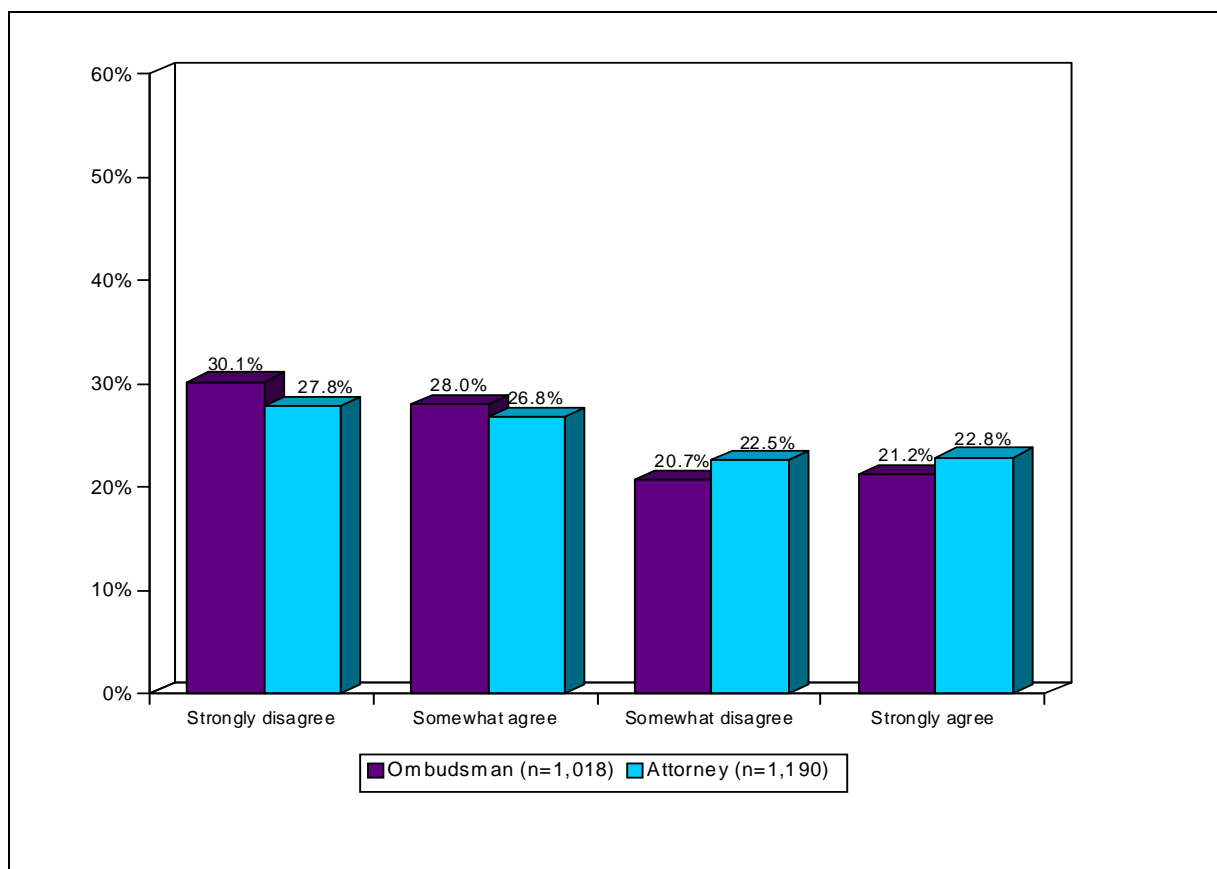
Figure 2

Workers' Compensation Disputes Are Settled Fairly and Equally



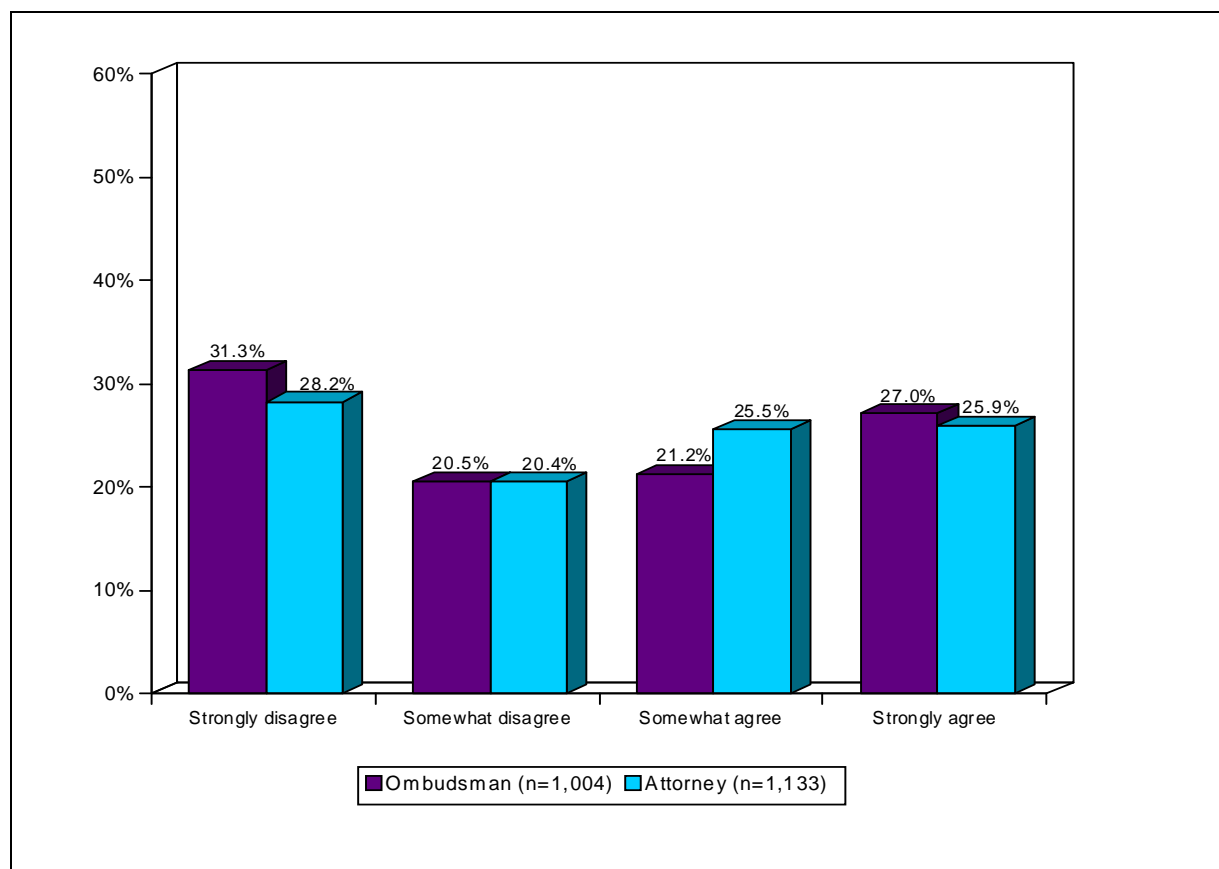
- Respondents were asked if they agreed with the statement, “Workers’ compensation disputes are settled by the Division of Workers’ Compensation fairly and equally.”
- As shown in Figure 2, 45.9 percent of injured workers with ombudsman assistance and 36.1 percent of those with attorney representation either strongly agreed or somewhat agreed that workers’ compensation disputes are settled fairly and equally.

Figure 3
Language Used in Dispute Hearing(s) Was Too Difficult to Understand



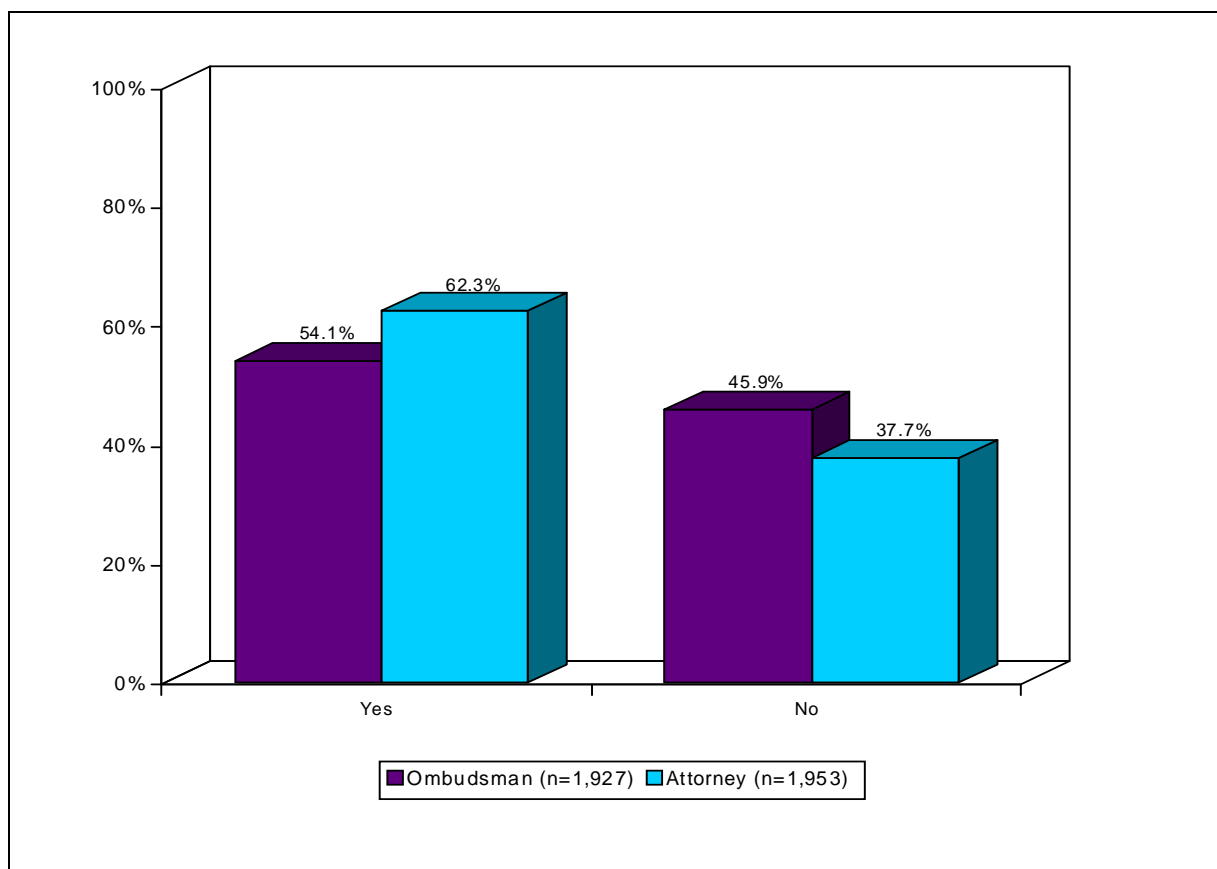
- Respondents were asked if they agreed with the statement, “The language used by people in the dispute hearing(s), or contested case hearing, was too difficult for you to understand.”
- As shown in Figure 3, 41.9 percent of injured workers with ombudsman assistance and 45.3 percent of those with attorney representation either strongly agreed or somewhat agreed that the language used by people in the dispute hearing(s), or contested case hearing, was too difficult for them to understand.

Figure 4
Reluctant to Ask Questions in Dispute Hearing(s)



- Respondents were asked if they agreed with the statement, "During the dispute hearing(s), you were reluctant to ask questions when you didn't understand something."
- Forty-eight percent of injured workers with ombudsman assistance and 51.4 percent of those with attorney representation either strongly agreed or somewhat agreed that they were reluctant to ask questions when they did not understand something during the dispute hearing(s) (see Figure 4).

Figure 5
Received Assistance from Ombudsman/Attorney during Dispute



- Respondents were asked if they received any assistance from an ombudsman or hired an attorney during their dispute. As shown in Figure 5, 54.1 percent of the injured workers had received assistance from an ombudsman and 62.3 percent had hired an attorney during their dispute.

Table 4
Ways Respondent Heard about the Ombudsman Program*

Method	Percentage respondi ng
Through someone from the Division of Workers' Compensation (n=1,037)	81.1
Through brochures or a letter you received about your claim (n=1,026)	48.5
Through the insurance adjuster or someone from the insurance company (n=1,028)	14.4
Through a friend or relative (n=1,035)	13.4
Through your employer (n=1,035)	7.8
Through your union representative (n=1,026)	5.3
Some other way, specify (n=1,035)	17.6

- Injured workers with ombudsman assistance were asked how they heard about the ombudsman program.

Division of Workers' Compensation

- As shown in Table 4, 81.1 percent of injured workers with ombudsman assistance reported hearing about the program through someone from the Division of Workers' Compensation.

Brochures or letters received about claim

- Nearly half (48.5 percent) of injured workers with ombudsman assistance reported hearing about the program through brochures or a letter they received about their claim.

Insurance adjuster or someone from the insurance company

- Fourteen percent of injured workers with ombudsman assistance reported hearing about the program through the insurance adjuster or someone from the insurance company.

Friend or relative

- Thirteen percent of injured workers with ombudsman assistance reported hearing about the program through a friend or relative.

Employer

- Eight percent of injured workers with ombudsman assistance reported hearing about the program through their employer.

Union representative

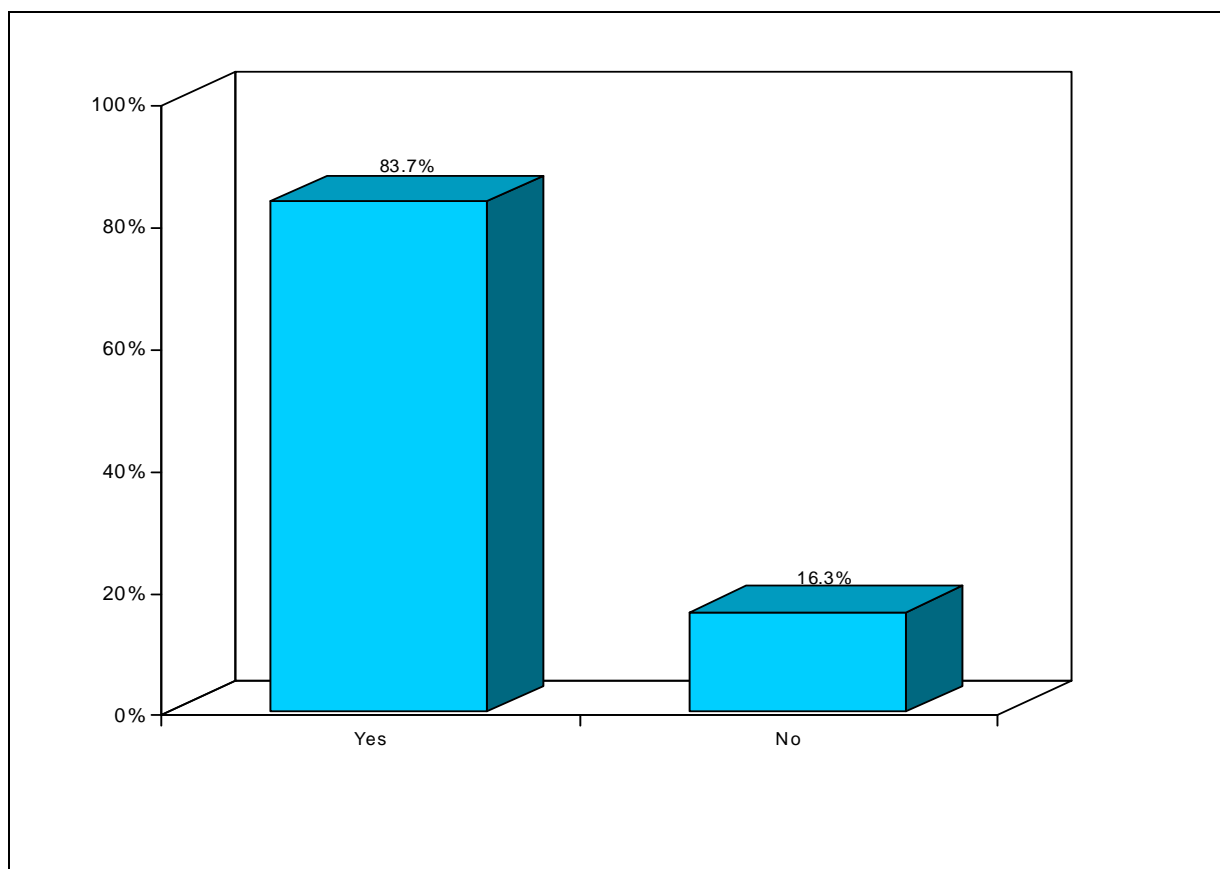
- Five percent of injured workers with ombudsman assistance reported hearing about the program through their union representative.

* Because respondents could give more than one answer, the percentages will not total to 100.0 percent.

Some other way

- Eighteen percent of injured workers with ombudsman assistance reported hearing about the program some other way.
- These other ways include hearing from some other person such as a co-worker, medical staff, or an attorney; from the media (the Web site or the news), or they were already familiar with the program/had researched it personally.

Figure 6
Attorney Said How He/She Would Be Paid



- Respondents were asked if their attorney told them how he/she would be paid. As shown in Figure 6, 83.7 percent of injured workers with attorney representation percent answered “yes.”

Table 5
Reason Chose Representation by an Ombudsman/Attorney*

Reason	Percentage responding	
	Ombudsman	Attorney
You had difficulty getting medical treatment or your weekly check (n=1,032; 1,205)**	69.8	84.2
The ombudsman program is free (n=1,026; -)	67.8	-
You didn't understand how the workers' compensation system worked (n=1,031; 1,207)	66.4	66.7
Someone told you to use an ombudsman/hire an attorney (n=1,031; 1,211)	46.5	41.5
You couldn't find an attorney to take your case (n=1,030; -)	44.3	-
Your employer said that your injury was work-related (n=1,017; 1,205)**	38.6	37.7
Your employer fired you (n=1,029; 1,204)**	20.6	33.2
Because insurance company had an attorney and you felt you needed one (n= -; 1,199)	-	64.4
Some other reason, specify (n=1,035; 1,212)	16.8	38.4

- Respondents with ombudsman assistance were asked why they chose to be assisted by an Office of Injured Employee Counsel ombudsman or decided to hire an attorney. Reasons are shown in descending order of the ombudsman percentages (see Table 5).

Difficulty getting medical treatment/weekly check

- Eighty-four percent of injured workers with attorney representation had decided to hire an attorney because they had difficulty getting medical treatment or their weekly check. Seventy percent of injured workers with ombudsman assistance chose that assistance for the same reason.

Ombudsman program is free

- Sixty-eight percent of injured workers with ombudsman assistance chose that assistance because the ombudsman program is free.

Didn't understand how the WC system worked

- Sixty-seven percent of injured workers with attorney representation and 66.4 percent of those with ombudsman assistance chose that representation/assistance because they did not understand how the workers' compensation system worked.

Someone told you to use an ombudsman/hire an attorney

- Forty-seven percent of injured workers with ombudsman assistance chose that assistance because someone told them to use an ombudsman. Forty-two percent of injured workers with attorney representation decided to hire an attorney because someone told them to hire an attorney.

* Because respondents could give more than one answer, the percentages will not total to 100.0 percent.

** These questions were new in 2008.

Couldn't find an attorney to take your case

- Forty-four percent of injured workers with ombudsman assistance chose to be assisted by an ombudsman because they could not find an attorney to take their case.

Employer said injury was work-related

- Thirty-nine percent of injured workers with ombudsman assistance and 37.7 percent those with attorney representation chose that assistance/ representation because their employer said their injury was work-related.

Employer fired you

- Thirty-three percent of injured workers with attorney representation and 20.6 percent of those with ombudsman assistance chose that representation/assistance because their employer fired them.

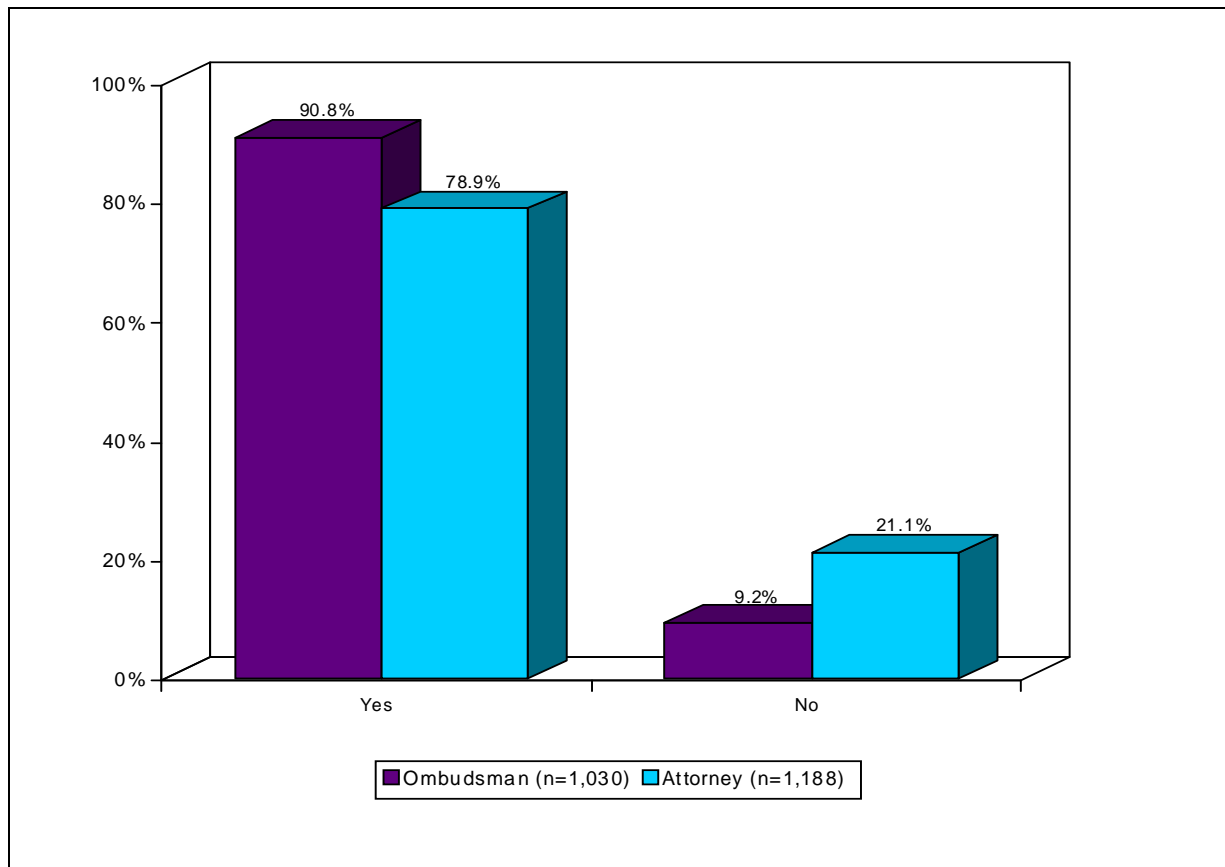
Insurance company had attorney and you felt you needed one

- Sixty-four percent of injured workers with attorney representation chose to hire an attorney because the insurance company had an attorney and they felt they needed one.

Some other reasons

- Thirty-eight percent of injured workers with attorney representation and 16.8 percent of injured workers with ombudsman assistance chose that representation/assistance for some other reason.
- Some of the other reasons for choosing ombudsman assistance included: could not afford an attorney, did not want to hire or pay for an attorney, thought an ombudsman could help, attorney/lawyer was inadequate or quit, and dissatisfaction with impairment rating/errors made in process.
- Some of the other reasons for deciding to hire an attorney included: the insurance company disputed/rejected/delayed their claim or their insurance was cancelled, to be treated fairly/could not win their case without an attorney, employer said injury was not work-related, dissatisfaction with ombudsman assistance/needed more help than ombudsman could provide, wanted a second medical opinion, and needed representation/someone on their side.

Figure 7
Ombudsman/Attorney Went Over Case before Dispute Hearing

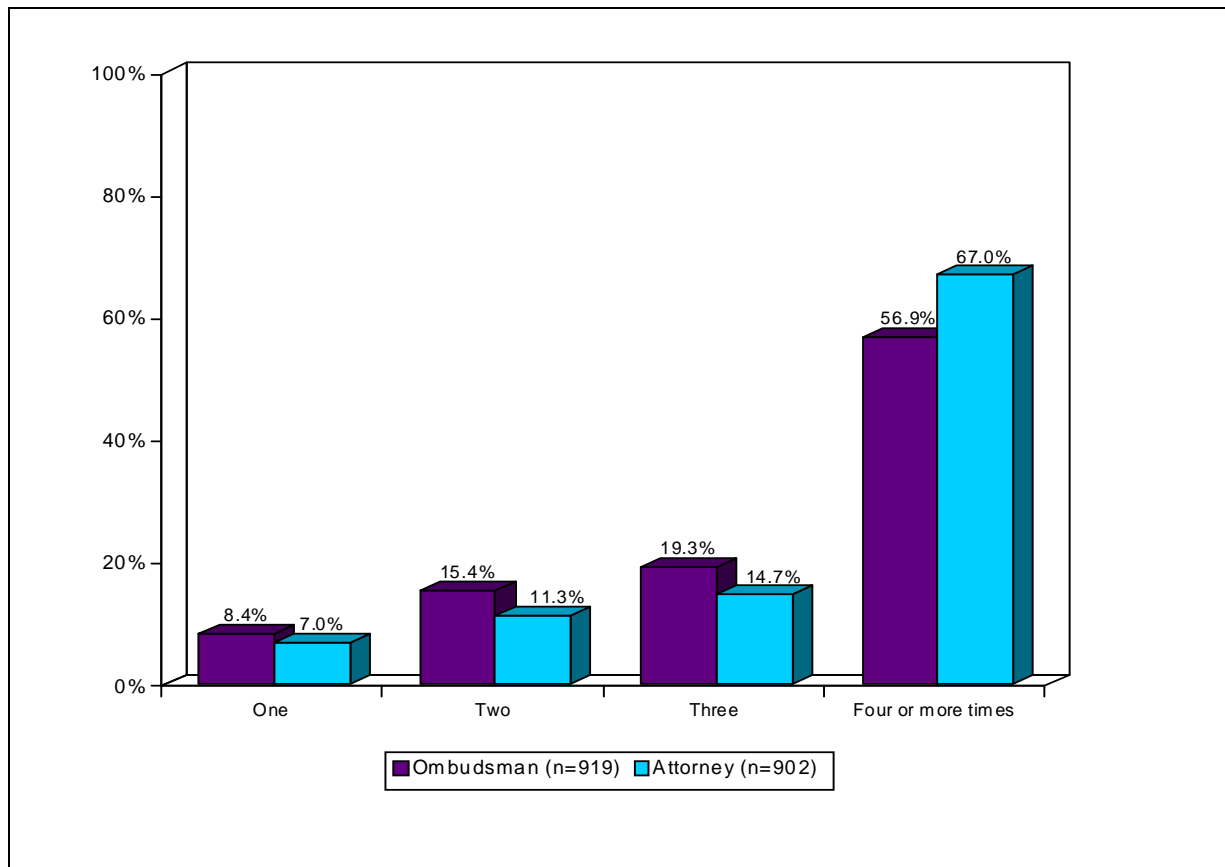


- Respondents were asked if their ombudsman or attorney/someone else went over their case with them before they went to a dispute hearing(s) or contested case hearing. As shown in Figure 7, 90.7 percent of injured workers with ombudsman assistance and 78.9 percent of those with attorney representation answered “yes.”
- While not statistically significant, injured workers with ombudsman assistance from East Texas were more likely than those from other regions to report that their ombudsman went over their case with them before they went to a hearing (see Table 6).

Table 6
Ombudsman Went Over Case before Hearing
by Region

Region	Percentage responding	
	Yes	No
North Texas	90.5	9.5
South Texas	91.5	8.5
East Texas	94.2	5.8
West Texas	93.3	6.7
Central Texas	91.7	8.3

Figure 8
Times Met or Spoke with Ombudsman/Attorney Overall



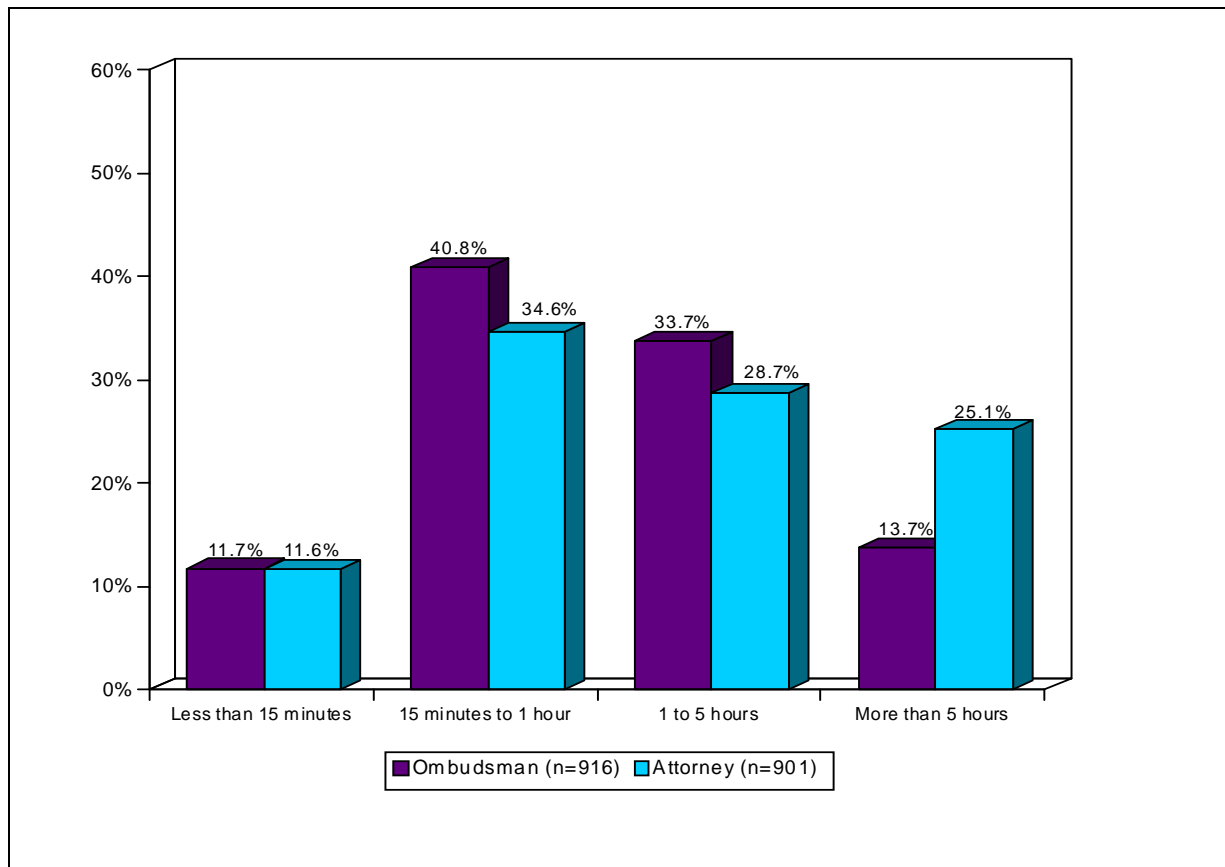
- Respondents were asked how many times, overall, they met with their ombudsman/ attorney or spoke with them on the phone. Fifty-seven percent of injured workers with ombudsman assistance and two-thirds (67.0 percent) of those with attorney representation met or spoke to them on the phone four or more times about their case (see Figure 8).
- While not statistically significant, injured workers with ombudsman assistance from East Texas were more likely than those from other regions to report that they met or spoke with their ombudsman four or more times about their case (see Table 7).

Table 7
Times Met or Spoke with Ombudsman Overall
by Region

Region	One	Percentage responding		Four or m o r e t i m e s
		Two	Three	
North Texas	8.3	14.9	19.9	56.8
South Texas	4.3	16.3	21.0	58.3

East Texas	6.2	16.3	16.3	61.2
West Texas	12.2	13.0	18.7	56.1
Central Texas	9.7	15.4	17.1	57.7

Figure 9
Time Spent with Ombudsman/Attorney



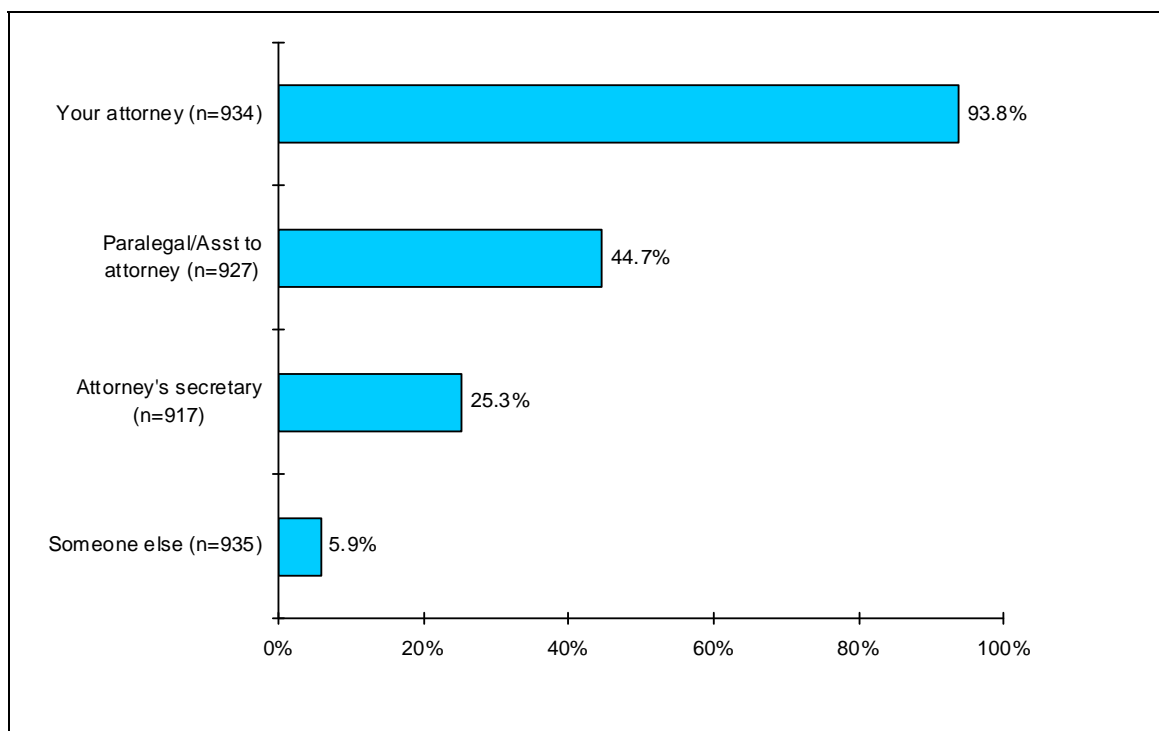
- Respondents were asked how long they spent meeting or talking with their ombudsman or attorney about their case. Less than half (47.4 percent) of injured workers with ombudsman assistance and 53.8 percent of injured workers with attorney representation reported spending one or more hours meeting or talking with their representative about their case (see Figure 9).
- While not statistically significant, injured workers with ombudsman assistance from North and East Texas were more likely than those from other regions to report that they spent more than 5 hours meeting or talking with their ombudsman about their case (see Table 8).

Table 8
Time Spent with Ombudsman about Case
by Region

Region	Percentage responding			
	Less than 15 minutes	15 minutes to 1 hour	1 to 5 hours	More than 5 hours
	9.8	36.3	36.3	17.6

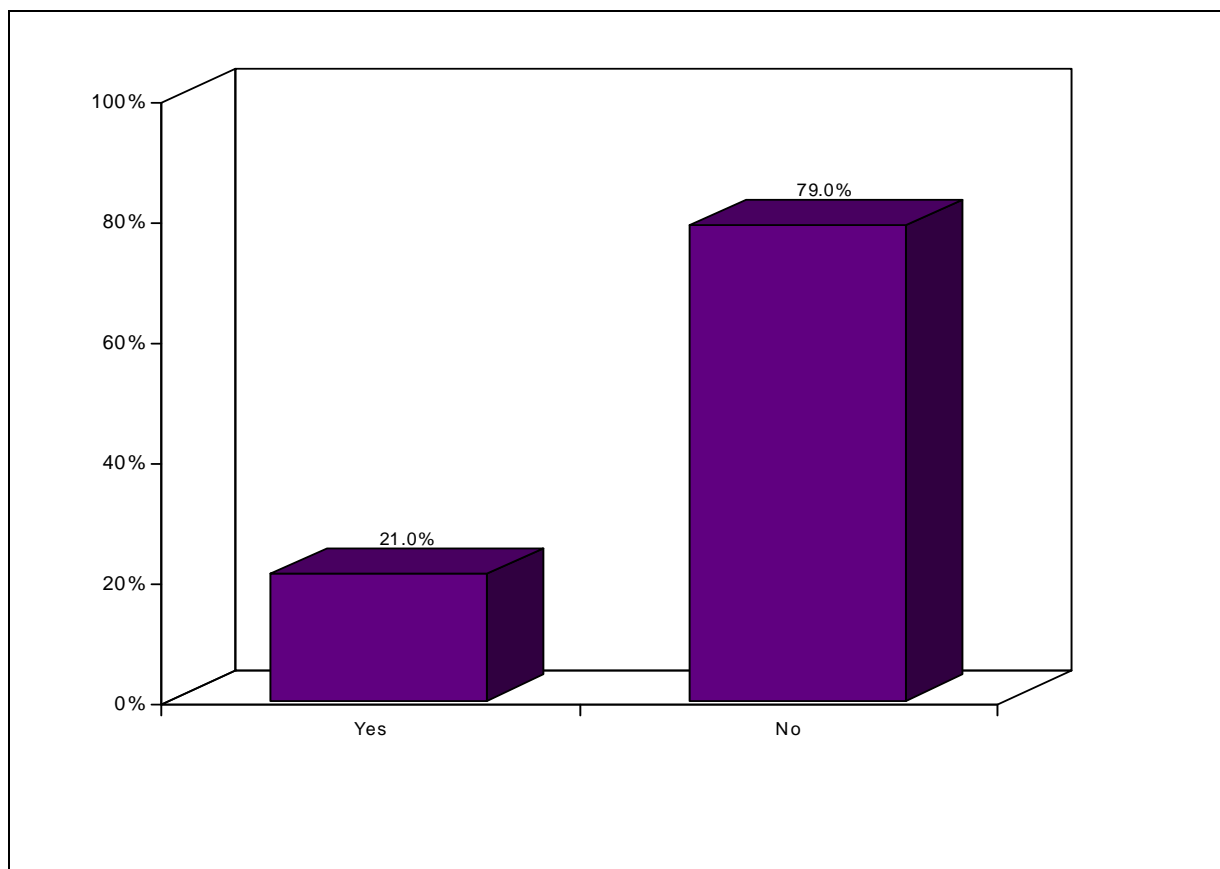
North Texas				
South Texas	9.1	44.0	32.0	14.9
East Texas	11.7	40.6	30.5	17.2
West Texas	16.1	41.1	33.9	8.9
Central Texas	13.3	41.0	36.4	9.2

Figure 10
Legal Staff Who Went Over Your Case



- Respondents with attorney representation who reported that their attorney or someone else went over their case with them before they went to a dispute hearing were who that was. Ninety-four percent reported that their attorney went over their case with them before the dispute hearing (see Figure 10). This was followed by a paralegal/assistant to the attorney (44.7 percent), the attorney's secretary (25.3 percent), and someone else (5.9 percent).
- Among the others who went over their case with them were other attorneys/staff in their attorney's firm, a doctor, a friend or a family member, someone from the Workers' Compensation office, and a hearing officer.
- There was no comparison data available from 1997.

Figure 11
WC Hearing Officer Stopped Hearing to Allow Meeting with Ombudsman
(n=91)



- Respondents with ombudsman assistance were asked if, overall, the Division of Workers' Compensation hearing officer stop the dispute hearing to let you meet with your ombudsman. As shown in Figure 11, 21.0 percent answered "yes."
- There was no comparison data available for 1997.

Table 9
Experience with Ombudsman/Attorney

Reason	Percentage responding	
	Ombudsman	Attorney
Had enough time to meet with ombudsman/attorney before hearing (n=1,014; 1,178)	67.6	62.5
Ombudsman/attorney seemed to understand your case (n=1,015; 1,175)	80.6	77.9
Ombudsman/attorney seemed to understand the workers' compensation law (n=994; 1,152)	91.8	89.3

- Injured workers were asked about their experience with their ombudsman or attorney.

Had enough time to meet with ombudsman/attorney

- Approximately one-third of injured workers reported having enough time to meet with their ombudsman (67.6 percent) or their attorney (62.5 percent) before the hearing (see Table 9).
- While not statistically significant, injured workers with ombudsman assistance from East Texas were more likely than those from other regions to report having enough time to meet with their ombudsman before the hearing (see Table 10).

Table 10
Had Enough Time to Meet with Ombudsman before Hearing by Region

Region	Percentage responding	
	Yes	No
North Texas	68.5	31.5
South Texas	67.3	32.7
East Texas	74.1	25.9
West Texas	71.9	28.1
Central Texas	66.7	33.3

Ombudsman/attorney seemed to understand case

- About 80 percent of injured workers indicated that their ombudsman (80.6 percent) or attorney (77.9 percent) seemed to understand their case.
- As shown in Table 11, injured workers with ombudsman assistance from the North and Central Texas regions were slightly less likely to report that their ombudsman seemed to understand their case. This cross-tabulation was not statistically significant.

Table 11
Ombudsman Seemed to Understand Case
by Region

Region	Percentage responding	
	Yes	No
North Texas	80.1	19.9
South Texas	82.6	17.4
East Texas	82.8	17.2
West Texas	82.2	17.8
Central Texas	80.4	19.6

Ombudsman/attorney seemed to understand WC law

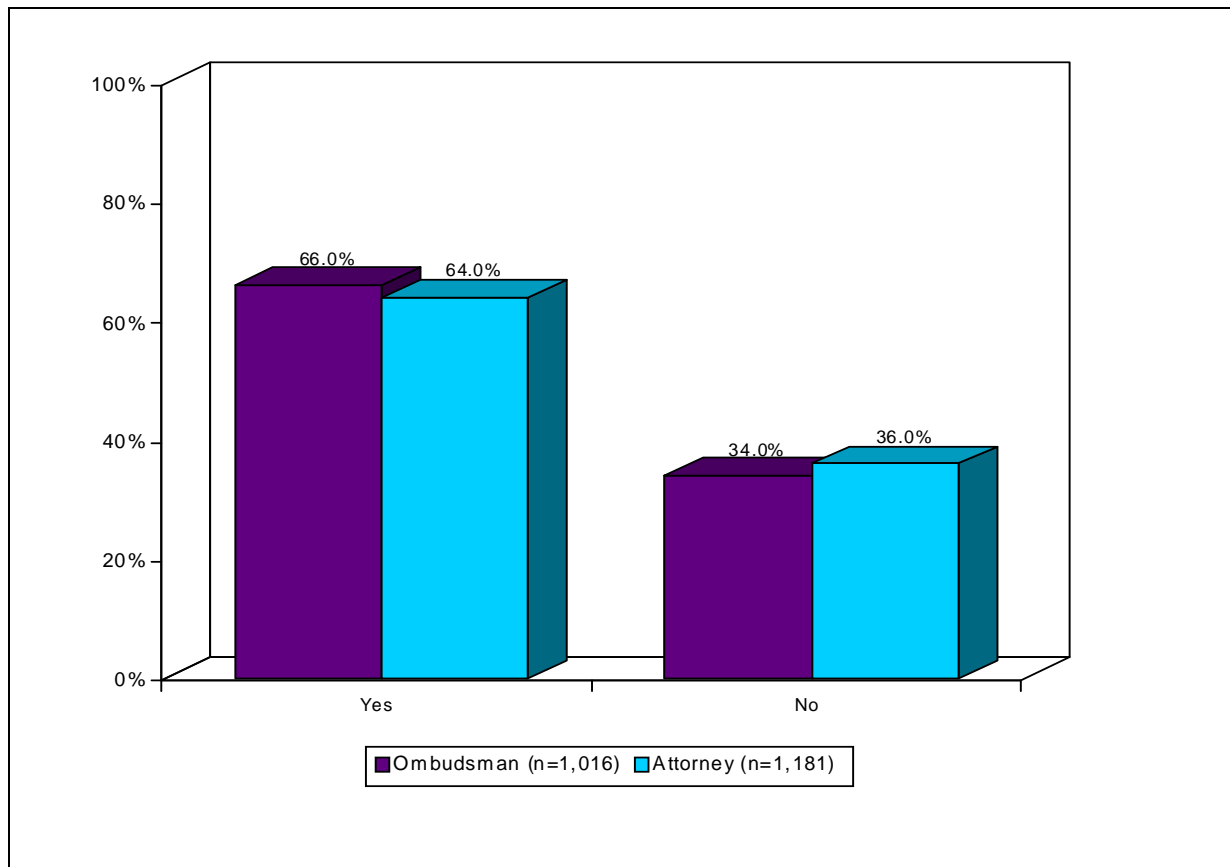
- Approximately 90 percent of injured workers reported that their ombudsman (91.8 percent) or attorney (89.3 percent) seemed to understand the workers' compensation law.
- While not statistically significant, injured workers with ombudsman assistance from East Texas were more likely than those from other regions to report their ombudsman seemed to understand workers' compensation law (see Table 12).

Table 12
Ombudsman Seemed to Understand Workers' Compensation Law
by Region

Region	Percentage responding	
	Yes	No
North Texas	91.3	8.7
South Texas	92.2	7.8
East Texas	94.7	5.3
West Texas	92.5	7.5
Central Texas	91.4	8.6

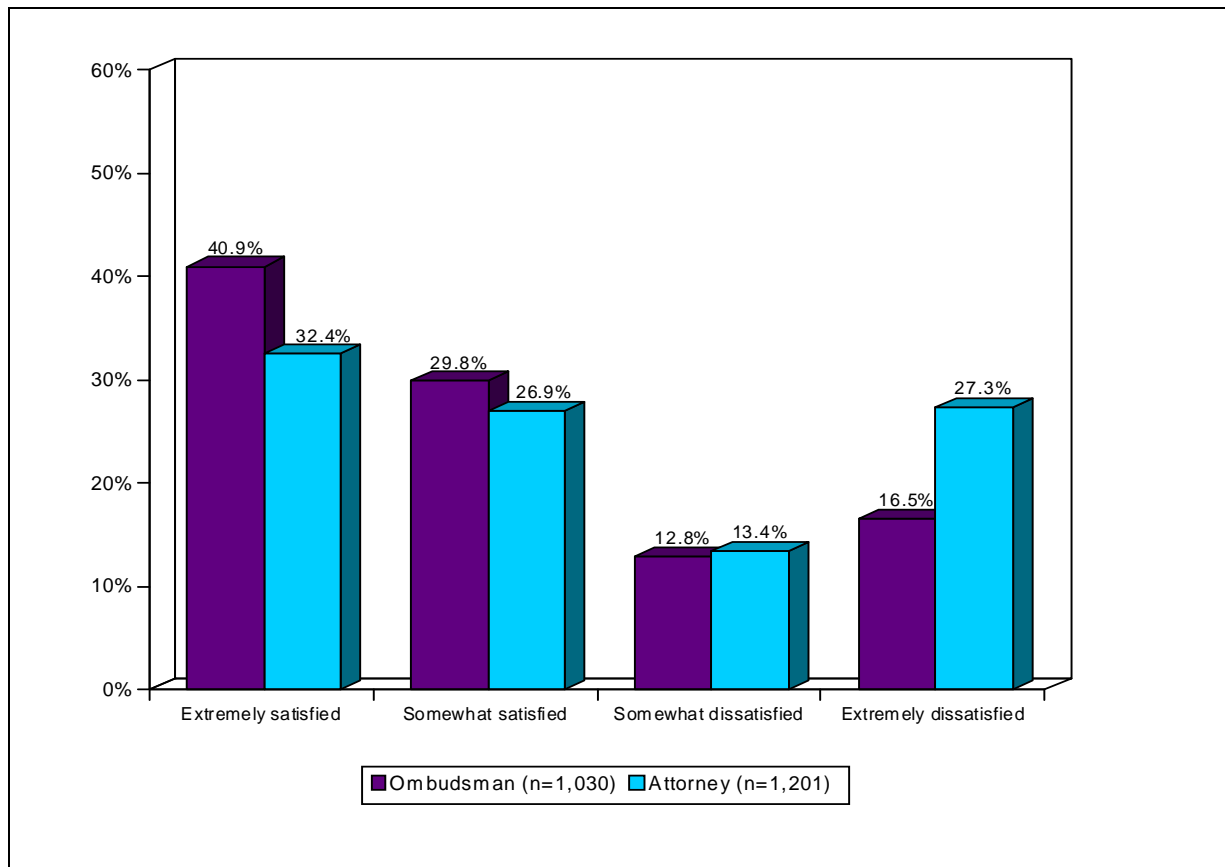
- There was no comparison data available for 1997 on whether the ombudsman/attorney either understood the injured worker's case or workers' compensation law.

Figure 12
Felt Adequately Prepared for Dispute Hearing(s)



- Respondents were asked if they felt they were adequately prepared for their dispute hearing. As shown in Figure 12, two-thirds (66.0 percent) of injured workers with ombudsman assistance and 64.0 percent of those with attorney representation reported feeling adequately prepared for their dispute hearing.

Figure 13
Overall Satisfaction with Ombudsman/Attorney



- Respondents were asked, overall, how satisfied they were with their ombudsman or attorney. As shown in Figure 13, a greater percentage of injured workers with ombudsman assistance (70.7 percent) were either extremely satisfied or somewhat satisfied compared to respondents with attorney representation (59.3 percent).
- When comparing by region (see Table 13), the percentage of injured workers with ombudsman assistance who were either extremely satisfied or somewhat satisfied was higher in the East Texas region (77.9 percent) and lowest in the Central Texas region (67.9 percent). There were statistically significant differences among injured workers with attorney representation. The highest percentages were among injured workers in the West Texas region (67.0 percent) and lowest in the South Texas region (55.4 percent).

Table 13
Overall Satisfaction with Ombudsman/Attorney*
by Region

Region	Percentage responding			
	Extremely satisfied	Somewhat satisfied	Somewhat dissatisfied	Extremely dissatisfied
North Texas				
Ombudsman	44.3	28.2	10.8	16.6
Attorney	35.9	24.1	14.9	25.1
South Texas				
Ombudsman	38.4	32.2	12.7	16.6
Attorney	25.5	24.5	13.5	36.5
East Texas				
Ombudsman	54.4	23.5	8.8	13.2
Attorney	30.9	24.5	16.0	28.7
West Texas				
Ombudsman	42.6	31.6	12.5	13.2
Attorney	38.3	28.7	9.6	23.4
Central Texas				
Ombudsman	36.3	31.6	15.5	16.6
Attorney	31.5	31.5	10.5	26.5

* The difference by region among injured workers with attorney representation was statistically significant at the level. p > .05

Table 14
Communication with Ombudsman

	Strongly disagree	Percentage responding Somewhat disagree	Somewhat agree	Strongly agree
My ombudsman/attorney clearly explained to me any decision that was made about my WC dispute in language that I could understand.				
Ombudsman (n=1,026)	9.0	10.4	31.8	48.7
Attorney (n=1,184)	19.1	13.0	30.2	37.6
My ombudsman always treated me with respect and dignity.				
Ombudsman (n=1,031)	5.1	3.1	21.0	70.8
Attorney (n=1,204)	10.9	6.6	23.0	59.5
My ombudsman was always available to speak with me about my WC dispute.				
Ombudsman (n=1,026)	17.9	16.2	26.3	39.6
Attorney (n=1,199)	26.9	15.8	24.7	32.6
My ombudsman always dealt with me in a truthful and professional manner.				
Ombudsman (n=1,024)	7.0	5.7	23.7	63.7
Attorney (n=1,192)	14.4	8.3	24.3	52.9
My ombudsman was always helpful and friendly.				
Ombudsman (n=1,027)	5.7	5.2	23.9	65.2
Attorney (n=1,200)	13.7	7.9	25.9	52.5

- Respondents were asked if they agreed with five statements about communications between them and their ombudsman or attorney.

Ombudsman/attorney clearly explained decisions about their case

- As shown in Table 14, 80.5 percent of injured workers with ombudsman assistance and 67.8 percent of those with attorney representation either strongly agreed or somewhat agreed that their representative clearly explained to them any decision that was made about their workers' compensation dispute in language that they could understand.

Ombudsman/attorney treated me with respect and dignity

- Ninety-two percent of injured workers with ombudsman assistance and 82.5 percent of those with attorney representation either strongly agreed or somewhat agreed that their representative always treated them with respect and dignity.

Ombudsman/attorney was always available to speak about my WC dispute

- Nearly two-thirds (65.9 percent) of injured workers with ombudsman assistance and 57.3 percent of those with attorney representation either strongly agreed or somewhat agreed that their representative was always available to speak with them about their workers' compensation dispute.

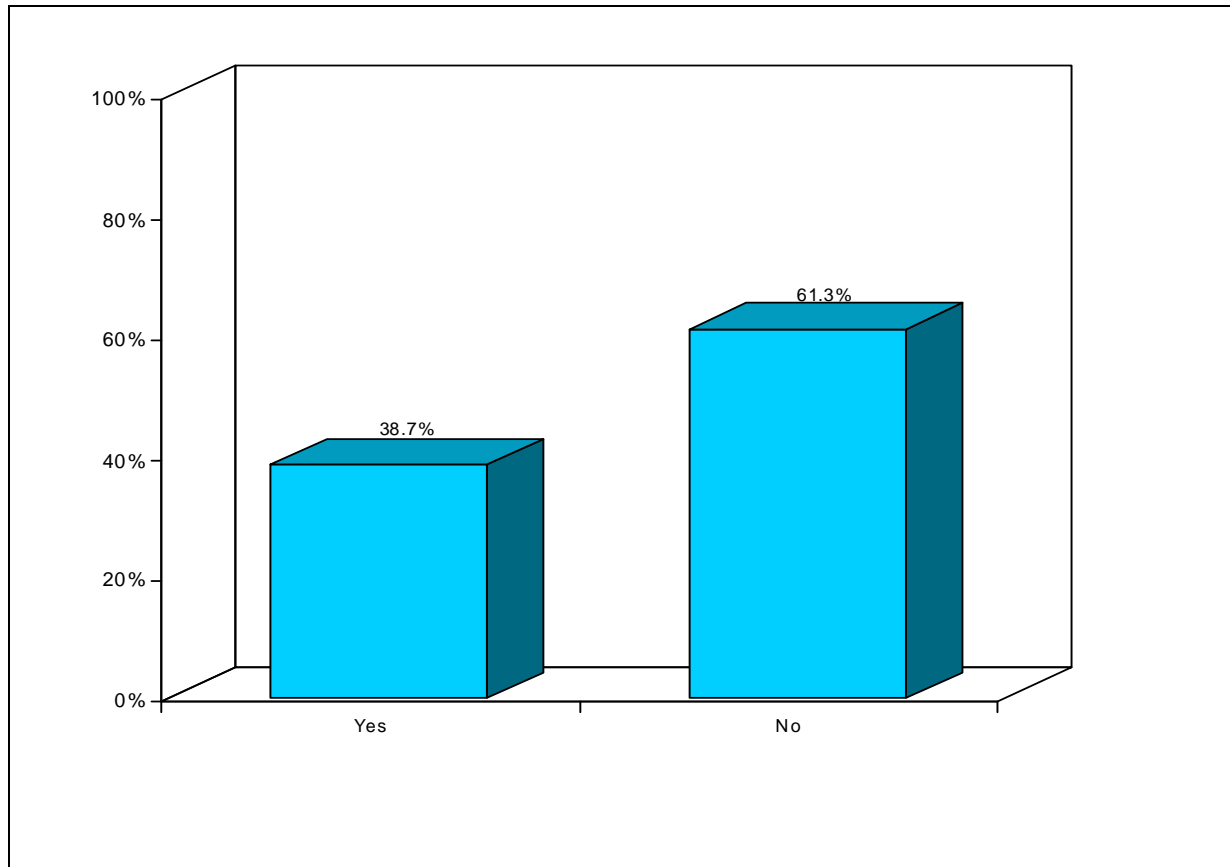
Ombudsman/attorney dealt with me in truthful and professional manner

- Eighty-seven percent of injured workers with ombudsman assistance and 77.2 percent of those with attorney representation either strongly agreed or somewhat agreed that their representative always dealt with them in a truthful and professional manner.

Ombudsman/attorney was always helpful and friendly

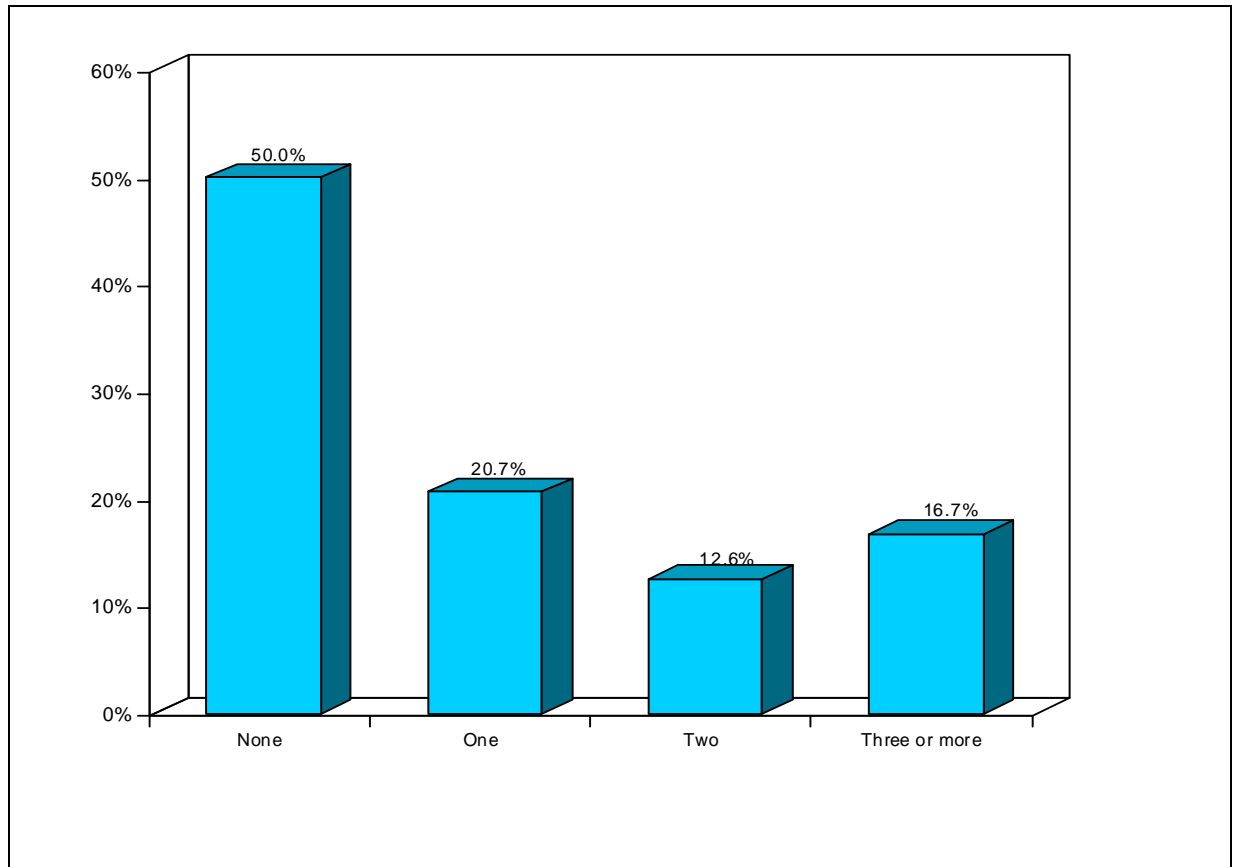
- Eighty-nine percent of injured workers with ombudsman assistance and 78.4 percent of those with attorney representation either strongly agreed or somewhat agreed that their representative was always helpful and friendly.

Figure 14
Tried to Hire an Attorney
(n=736)



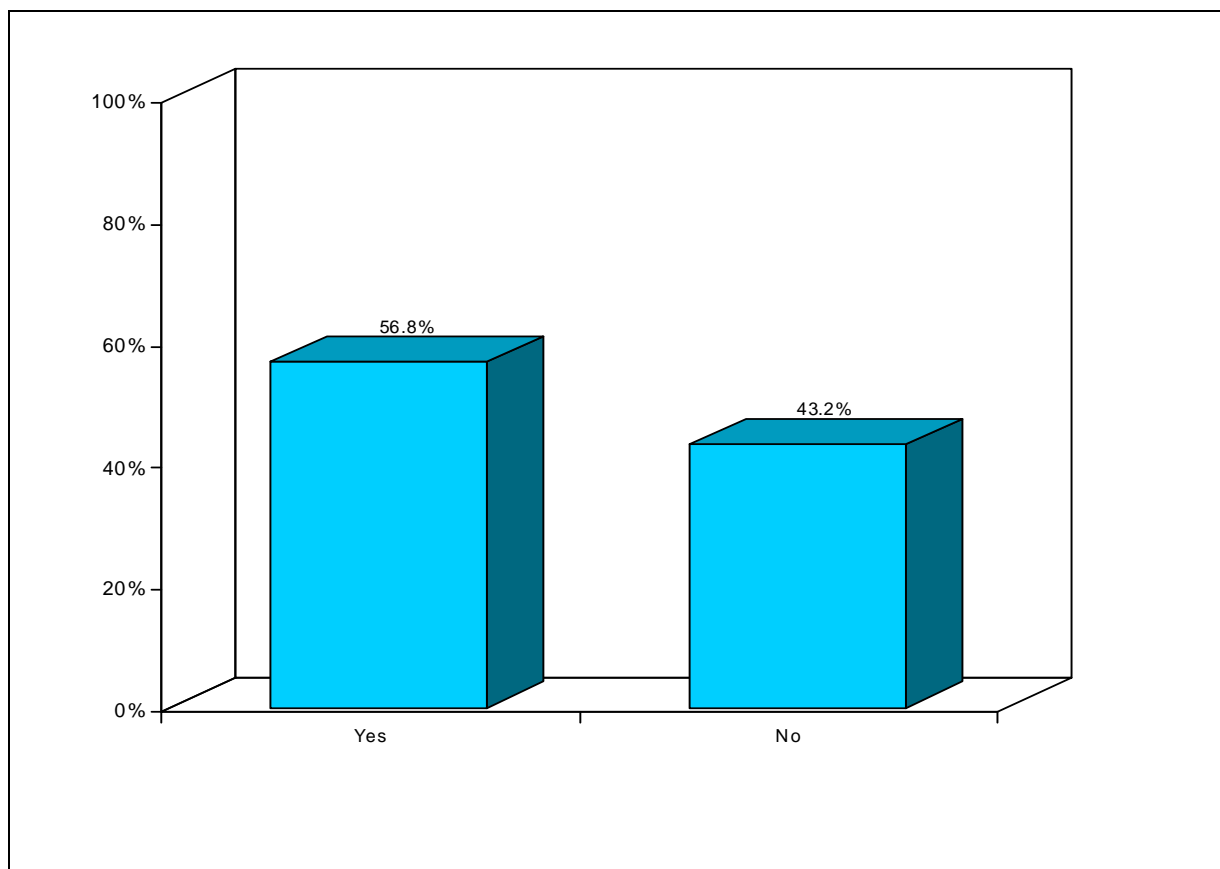
- Respondents who did not hire an attorney were asked if they had tried to hire an attorney. As shown in Figure 14, 38.7 percent answered “yes.”

Figure 15
Number of Attorneys Contacted Before Found Present Attorney
(n=1,197)



- Respondents were asked how many other attorneys they contacted before they found their present attorney. As shown in Figure 15, 16.7 percent of injured workers indicated they contacted three or more attorneys before they found their present attorney.

Figure 16
Attorneys Contacted Were Unwilling to Take Case
(n=588)



- Respondents who tried to hire an attorney were asked if there were other attorneys they contacted who were unwilling to take their case. As shown in Figure 16, 56.8 percent of those injured workers answered “yes.”

Table 15
Reason Attorney Contacted Did Not Take Case

	Percentage respondi ng
No financial incentive to take the case (n=318)	56.0
Attorney(s) not familiar with workers' compensation (n=312)	42.2
Didn't feel that your case was strong (n=316)	37.9
Attorney(s) not accepting new cases at that time (n=315)	36.0
No reason given by attorney (n=327)	29.9
Other reason, specify (n=332)	28.3

- Respondents who contacted attorneys who were unwilling to take their case were asked the reason they were unwilling. Reasons are shown in descending order of percentage.

No financial incentive to take the case

- Fifty-six percent of injured workers who contacted attorneys who were unwilling to take their case were told there was no financial incentive to take the case (see Table 15).

Not familiar with workers' compensation

- Forty-two percent of injured workers indicated the attorney was not familiar with workers' compensation.

Did not feel the case was strong

- Thirty-eight percent of injured workers reported that the attorney did not feel that their case was strong.

Not accepting new cases

- Thirty-six percent of injured workers indicated that the attorney was not accepting new cases at that time.

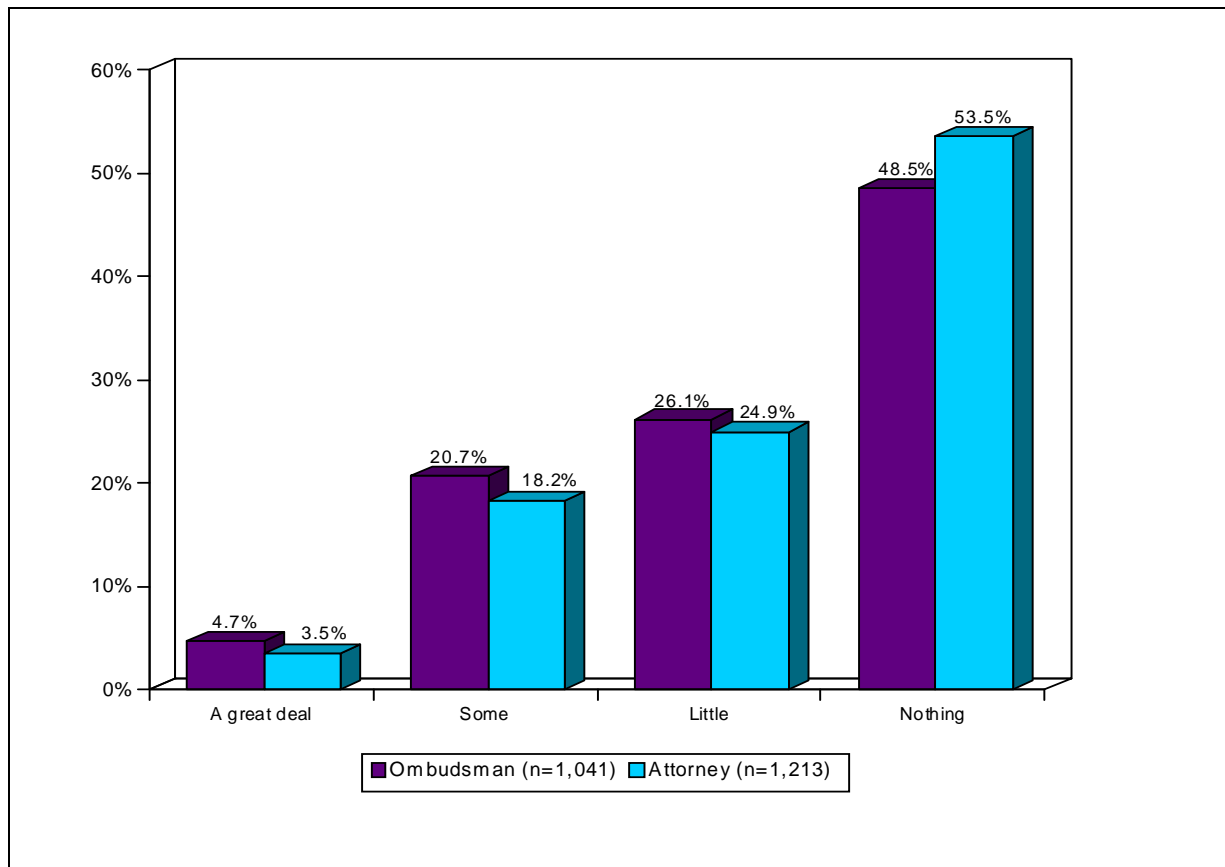
No reason given by attorney

- Thirty percent of injured workers were not given a reason by the attorney they had contacted.

Other reasons given

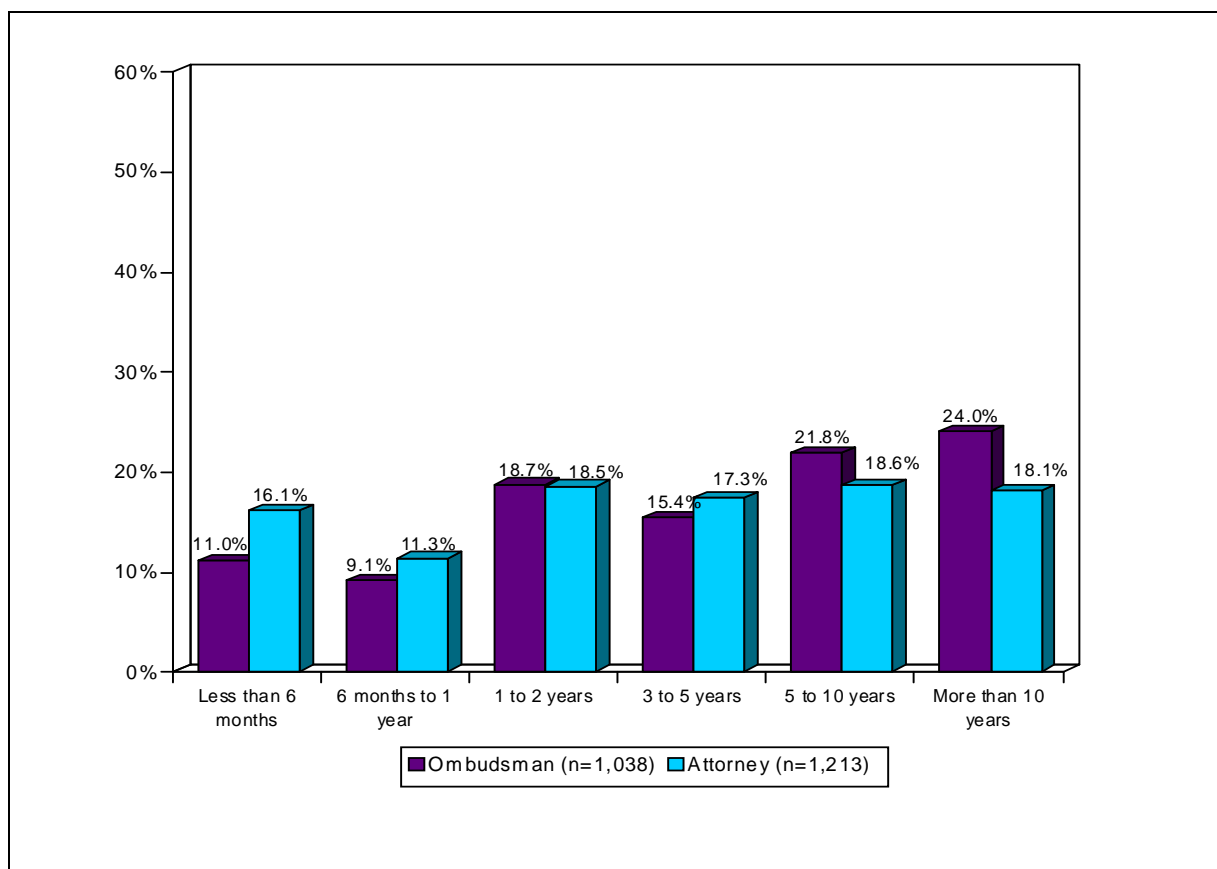
- Twenty-eight percent of injured workers were given another reason why the attorney was not willing to take their case. The majority of these injured workers indicated the attorney was not accepting workers' compensation cases. Other comments were about system issues, the case was too old, or other specific issues having to do with the case.

Figure 17
Knowledge of Workers' Compensation at Time of Injury



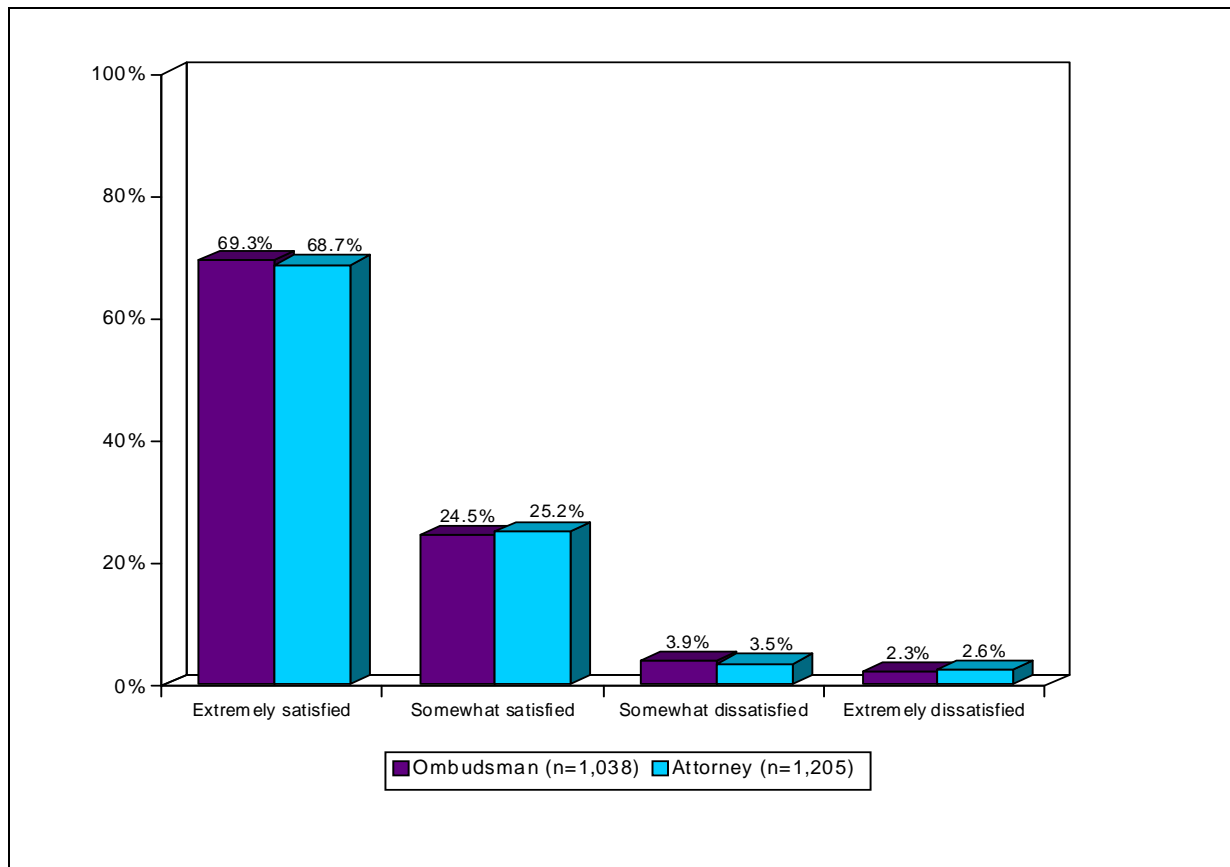
- Respondents were asked how much they knew about workers' compensation at the time of their injury. As shown in Figure 17, approximately half of injured workers with attorney representation (53.5 percent) and those with ombudsman assistance (48.5 percent) reported knowing nothing about workers' compensation at the time of their injury.
- There was no 1997 data available for comparison on how much injured workers knew about workers' compensation.

Figure 18
Years Worked for Employer before Injury



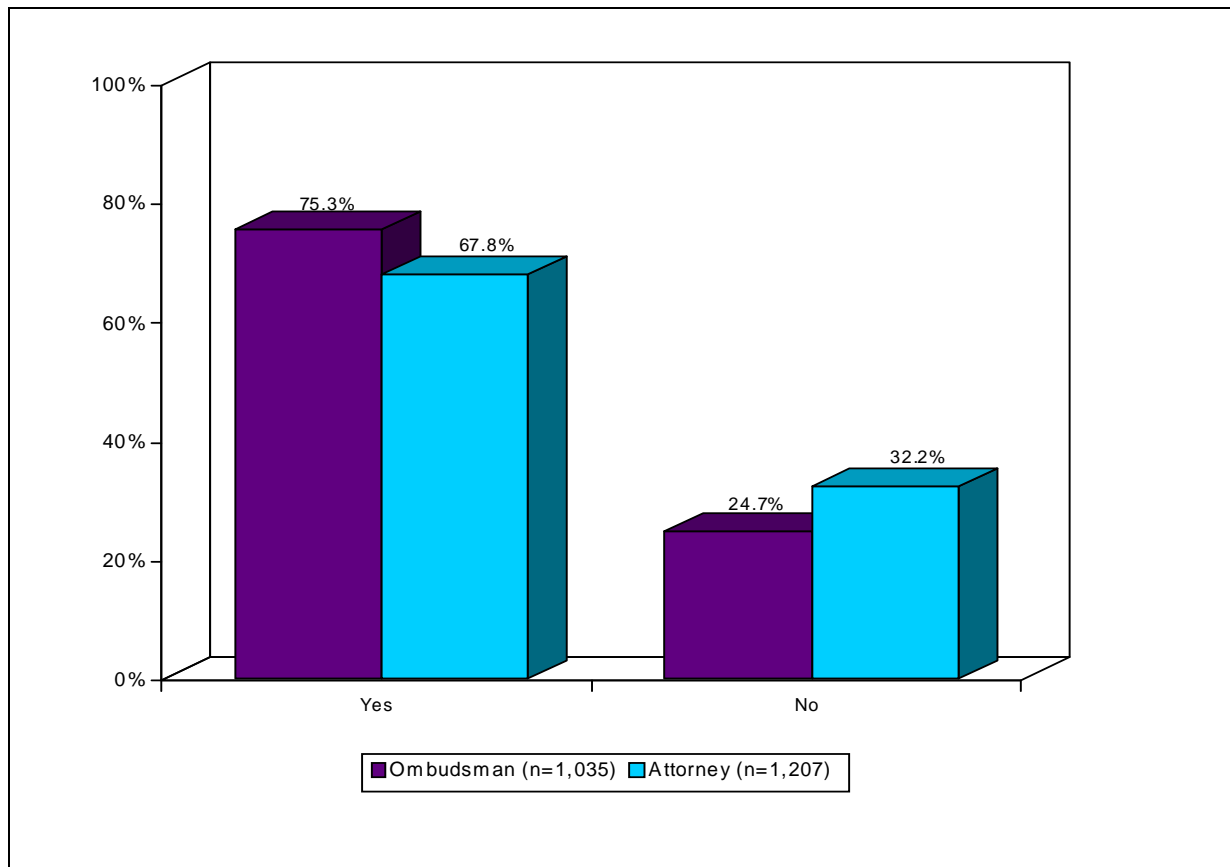
- Respondents were asked how many years they worked for their employer before being injured. As shown in Figure 18, a larger percentage of injured workers with attorney representation answered “less than 6 months” while a larger percentage of injured workers with ombudsman assistance answered “more than 10 years.”
- There was no comparison data available for 1997.

Figure 19
Satisfaction with Job before Injury



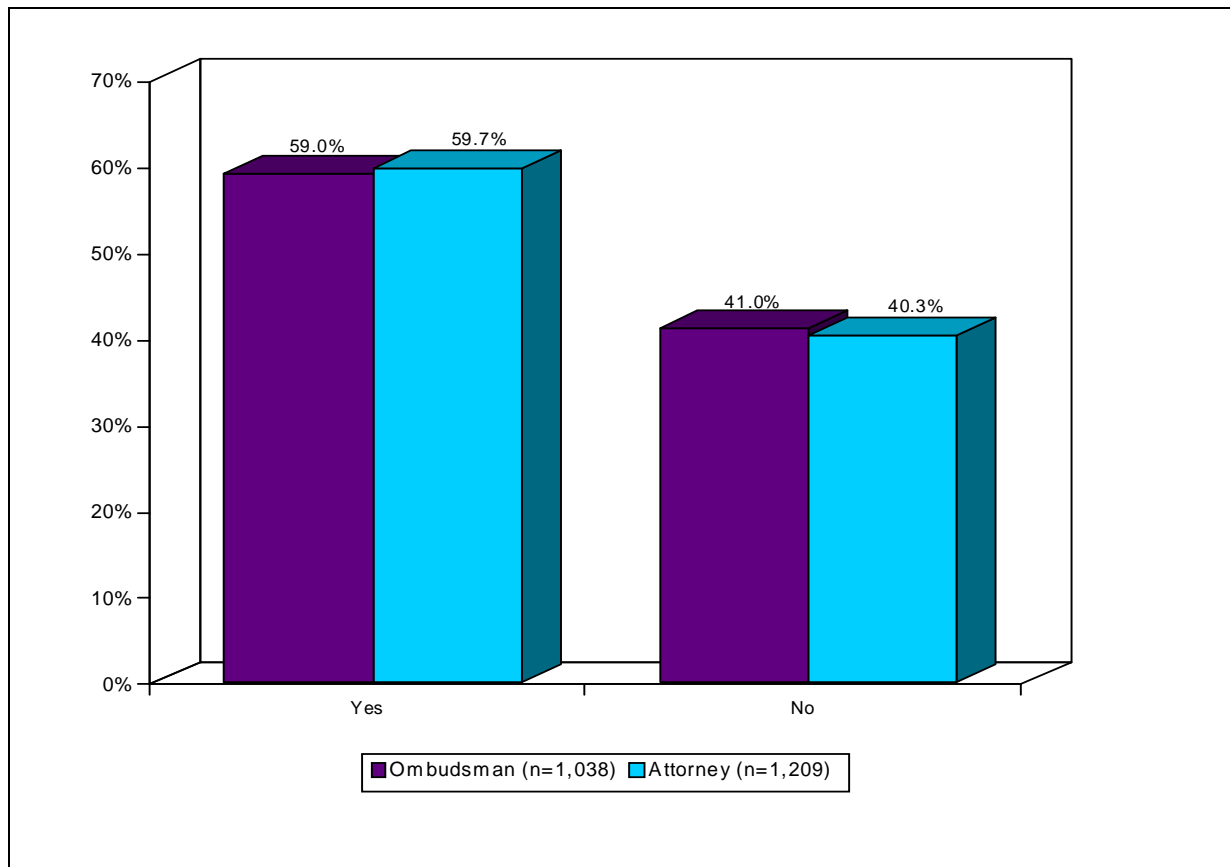
- Respondents were asked how satisfied they were with their job at the time of their injury. As shown in Figure 19, 69 percent of injured workers with either ombudsman assistance or attorney representation reported they were extremely satisfied with their job at the time of their injury.
- There was no comparison data available for 1997.

Figure 20
Had Health Insurance Coverage at Time of Injury



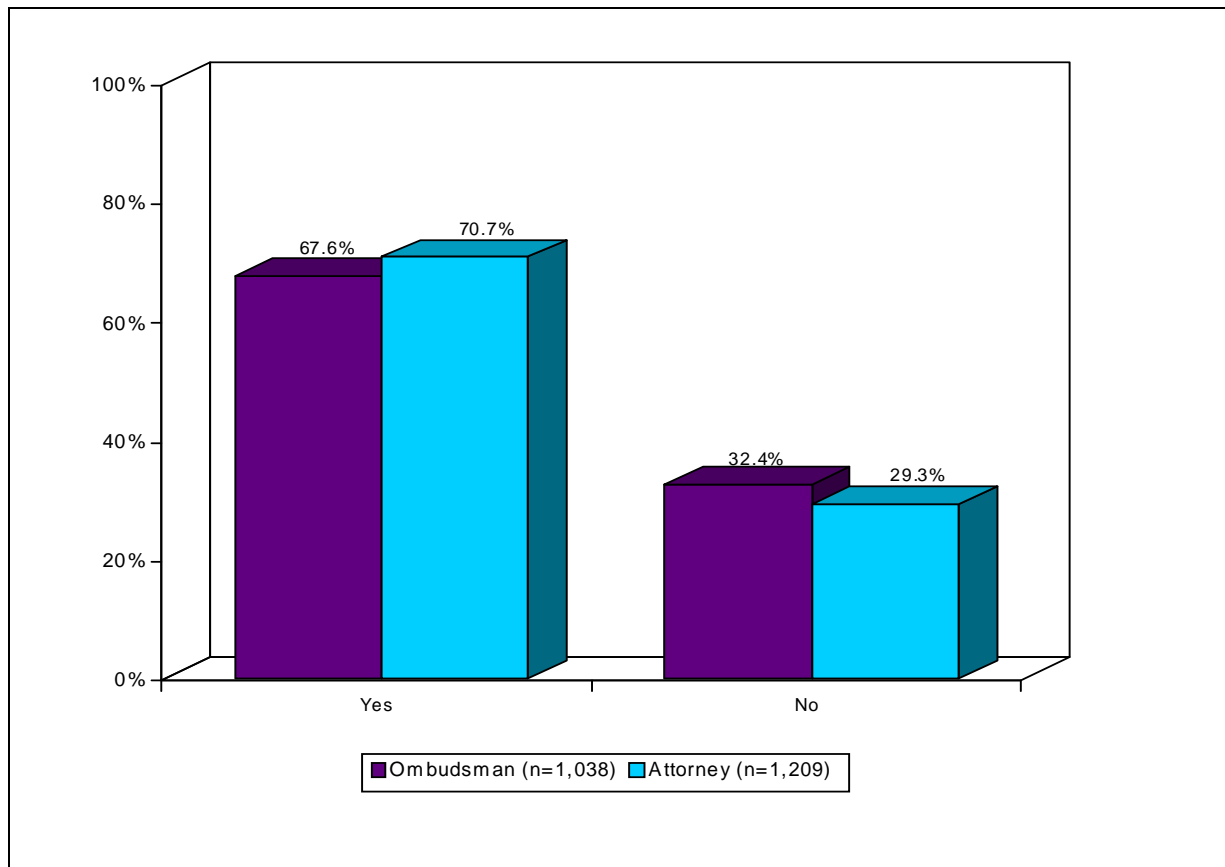
- Respondents were asked if they had health insurance coverage when they were injured. As shown in Figure 20, 75.3 percent of injured workers with ombudsman assistance and 67.8 percent of those with attorney representation indicated they did have health insurance coverage at that time.
- There was no comparison data available for 1997.

Figure 21
You/Other Family Members Spent Money on Medical Bills for Work-Related Injury



- Respondents were asked they or other family members spent money on medical bills for their work-related injury. As shown in Figure 21, about 59 percent of injured workers with ombudsman assistance and attorney representation answered “yes.”
- There was no comparison data available for 1997.

Figure 22
Worker's Wages were Sole Source of Family's Income



- Respondents were asked if, at the time of their injury, their wages were the sole source of their family's income. As shown in Figure 22, 67.6 percent of injured workers with ombudsman assistance and 70.7 percent of those with attorney representation answered "yes."
- There was no comparison data available for 1997.

VII. CONCLUSIONS

Fifty-four percent of injured workers reported receiving assistance from an ombudsman while 62.3 percent of injured workers hired an attorney.

Seventy-one percent of injured workers who received ombudsman assistance were either extremely satisfied or somewhat satisfied with their ombudsman compared to 59.3 percent of those with attorney representation. There were statistically significant differences by region among injured workers with attorney representation. The highest percentages of satisfaction were among injured workers in the West Texas region (67.0 percent) and lowest in the South Texas region (55.4 percent).

When asked whether the dispute process was fair to injured workers, injured workers with attorney representation (74.6 percent) were more likely to report that the workers' compensation dispute process was extremely unfair or somewhat unfair to injured workers than injured workers with ombudsman assistance (64.7 percent). The most common reasons given for why the dispute process was unfair to injured workers were the length of time it takes to resolve a dispute (89.8 percent with ombudsman assistance; 92.1 percent with attorney representation), and the hearing officer paid too much attention to the insurance company (72.7 percent with ombudsman assistance; 73.6 percent with attorney representation). Forty-six percent of injured workers with ombudsman assistance and 36.1 percent of those with attorney representation either strongly agreed or somewhat agreed that workers' compensation disputes are settled fairly and equally by the Division of Workers' Compensation.

Large percentages of injured workers indicated that either their ombudsman (90.8 percent) or attorney (78.9 percent) went over their case before the dispute hearing. A larger percentage of injured workers with attorney representation (67.0 percent) than those with ombudsman assistance (56.9 percent) reported they met with or spoke on the phone to their ombudsman four or more times about their case. Less than half (47.4 percent) of injured workers with ombudsman assistance reported spending one or more hours meeting or talking with their ombudsman about their case compared to those with attorney representation (53.8 percent). Two-thirds (67.6 percent) of injured workers with ombudsman assistance and 62.5 percent of those with attorney representation indicated they had enough time with their ombudsman before the hearing. Greater percentages of injured workers with ombudsman assistance reported that their ombudsman seemed to understand their case (80.6 percent) and workers' compensation law (91.8 percent) compared to those with attorney representation (understood case-77.9 percent; understood law-89.3 percent).

Sixty-six percent of injured workers with ombudsman assistance and 64.0 percent of those with attorney representation reported feeling adequately prepared for their dispute hearing.

APPENDIX A: SURVEY INSTRUMENT

SURVEY INSTRUMENT

Opening: Hello, may I speak with _____.

My name is _____ and I am conducting a survey of injured workers for the Office of Injured Employee Counsel, a state agency established by the Texas Legislature to assist, educate, and advocate on behalf of injured employees of Texas. The Office of Injured Employee Counsel is the State agency that administers the Ombudsman Program.

This survey will be approximately 10 minutes long. All answers will be kept strictly confidential and will not affect your workers' compensation claim in any way. Your participation is very important and your input will help legislators ensure that injured workers in Texas are treated fairly. May we begin?

Q1. Was there a dispute over your workers' compensation claim?

- 1) Yes (**GO TO Q2**)
- 2) No
- 9) **Dk/Rf**

Q1A. Did you go to a hearing at the Texas Department of Insurance, Division of Workers' Compensation's field office to resolve a dispute over your claim?

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q1B. Were you ever assisted by an Ombudsman or represented by an attorney?

- 1) Yes (**GO TO Q2**)
- 2) No (**GO TO CLOSING**) SHOW "Sorry, this study is interviewing people who have had a dispute with their workers' compensation claims or were assisted by an Ombudsman." "Thank you for your time."
- 9) **Dk/Rf (GO TO CLOSING)** SHOW "Sorry, this study is interviewing people who have had a dispute with their workers' compensation claims or were assisted by an Ombudsman." "Thank you for your time."

Now I would like to ask you some questions about the fairness of the workers' compensation dispute process?

Q2. In your opinion, would you say that the workers' compensation dispute process is extremely fair, somewhat fair, somewhat unfair or extremely unfair?

(SELECT ONE)

- 1) Extremely fair (**GO TO Q4**)
- 2) Somewhat fair (**GO TO Q4**)
- 3) Somewhat unfair
- 4) Extremely unfair
- 9) **Dk/Rf (GO TO Q4)**

Q3. Why do you believe that workers' compensation dispute process unfair to injured workers? Please answer yes or no to each of the following. (**ROTATE LIST**)

- 1) It takes too long to resolve a dispute.

- 2) No one explained to you how the dispute process works.
- 3) No one would listen to you or hear your side of the dispute.
- 4) The insurance company had an attorney and you were unable to find an attorney to take your case.
- 5) The hearing officer paid too much attention to the insurance company.
- 6) Other reason (please specify) _____
- 9) **Dk/Rf**

Q4. Please tell me if you strongly disagree, somewhat disagree, somewhat agree or strongly agree with the following statements:

Workers' compensation disputes are settled by the Division of Workers' Compensation fairly and equally. **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q5. (INTERVIEWER: READ IF NECESSARY)

Please tell me if you strongly disagree, somewhat disagree, somewhat agree or strongly agree with the following statements:

The language used by people in the dispute hearing(s), or contested case hearing, was too difficult for you to understand. **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q6. (INTERVIEWER: READ IF NECESSARY)

Please tell me if you strongly disagree, somewhat disagree, somewhat agree or strongly agree with the following statements:

During the dispute hearing(s), you were reluctant to ask questions when you didn't understand something. **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Now I would like to ask you some questions about assistance you may have received from an Ombudsman employed by the Office of Injured Employee Counsel. An Ombudsman is a person who assists unrepresented injured employees during the administrative dispute resolution process at the Division of Workers' Compensation.

Please remember that these questions deal with the person who may have helped you in the dispute hearing and not the person who may have helped you on the phone.

Q7. Did you receive any assistance from an ombudsman during your dispute?

- 1) Yes
- 2) No (**GO TO Q23**)
- 9) **Dk/Rf (GO TO Q23)**

Q8. How did you FIRST hear about the ombudsman program? Please answer yes or no to EACH of the following.

- 1) Through a friend or relative
- 2) Through someone from the Division of Workers' Compensation
- 3) Through brochures or a letter you received about your claim
- 4) Through your employer
- 5) Through your union representative
- 6) Through the insurance adjuster or someone from the insurance company.
- 7) Some other way (please specify) _____
- 9) **Dk/Rf**

Q9. Why did you choose to be assisted by an Office of Injured Employee Counsel ombudsman? Please answer yes or no to each of the following: (**ROTATE LIST**)

- 1) Because you couldn't find an attorney to take your case.
- 2) Because you didn't understand how the workers' compensation system worked.
- 3) Because your employer said that your injury was work-related.
- 4) Because your employer fired you.
- 5) Because you had difficulty getting medical treatment or your weekly check.
- 6) Because the ombudsman program is free.
- 7) Because someone told you to use an ombudsman.
- 8) Some other reason (please specify) _____
- 9) **Dk/Rf**

Q10. Did the ombudsman go over your case with you before you went to a dispute hearing(s), or contested case hearing?

- 1) Yes
- 2) No (**GO TO Q13**)
- 9) **Dk/Rf (GO TO Q13)**

Q11. Overall, how many times did you meet or talk on the phone with your ombudsman? **(SELECT ONE)**

- 1) One
- 2) Two
- 3) Three
- 4) Four or more times
- 9) **Dk/Rf**

Q12. In total, how long did you meet or talk with your ombudsman about your case? **(SELECT ONE)**

- 1) Less than 15 minutes **(GO TO Q14)**
- 2) 15 minutes to one hour **(GO TO Q14)**
- 3) One hour to 5 hours **(GO TO Q14)**
- 4) More than 5 hours **(GO TO Q14)**
- 9) **Dk/Rf (GO TO Q14)**

Q13. Overall, did the Division of Workers' Compensation hearing officer stop the dispute hearing to let you meet with your ombudsman?

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q14. Do you feel that you had enough time to meet with your ombudsman before you went to a dispute hearing(s)?

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q15. In your opinion, did your ombudsman seem to understand your case? **(SELECT ONE)**

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q16. In your opinion, did your ombudsman seem to understand the workers' compensation law? **(SELECT ONE)**

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q17. Overall, how satisfied were you with your ombudsman? Would you say you were extremely satisfied, somewhat satisfied, somewhat dissatisfied or extremely dissatisfied?
(SELECT ONE)

- 1) Extremely satisfied
- 2) Somewhat satisfied
- 3) Somewhat dissatisfied
- 4) Extremely dissatisfied
- 9) **Dk/Rf**

Q18. My ombudsman clearly explained to me any decision that was made about my workers' compensation dispute in language that I could understand. Would you say you were extremely satisfied, somewhat satisfied, somewhat dissatisfied or extremely dissatisfied? **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q19. My ombudsman always treated me with respect and dignity. Would you say you were extremely satisfied, somewhat satisfied, somewhat dissatisfied or extremely dissatisfied? **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q20. My ombudsman was always available to speak with me about my workers' compensation dispute. Would you say you were extremely satisfied, somewhat satisfied, somewhat dissatisfied or extremely dissatisfied? **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q21. My ombudsman always dealt with me in a truthful and professional manner. Would you say you were extremely satisfied, somewhat satisfied, somewhat dissatisfied or extremely dissatisfied?
(SELECT ONE)

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q22. My ombudsman was always helpful and friendly. Would you say you were extremely satisfied, somewhat satisfied, somewhat dissatisfied or extremely dissatisfied?
(SELECT ONE)

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Now I would like to ask you some questions about your attorney, if you had one.

Q23. Did you hire an attorney?

- 1) Yes **(GO TO Q25)**
- 2) No
- 9) **Dk/Rf**

Q24. Did you try to hire an attorney?

- 1) Yes **(GO TO Q41)**
- 2) No **(GO TO Q43)**
- 9) **Dk/Rf (GO TO Q43)**

Q25. Why did you decide to hire an attorney? Please answer yes or no to each of the following.

- 1) Because you didn't understand how the workers' compensation system worked.
- 2) Because your employer said your injury was work-related.
- 3) Because the insurance company had an attorney and you felt you needed one.
- 4) Because your employer fired you
- 5) Because you had difficulty in getting medical treatment or your weekly check.
- 6) Because someone told you that you should hire an attorney.
- 7) Some other reason (please specify) _____
- 9) **Dk/Rf**

Q26. Did your attorney or someone from your attorney's office go over your case before you went to a dispute hearing(s)?

- 1) Yes
- 2) No **(GO TO Q30)**
- 9) **Dk/Rf**

Q27. Before you went to a dispute hearing(s), which of the following people went over your case with you? Please answer yes or no to each of the following.

- 1) Your attorney
- 2) A paralegal or an assistant to your attorney
- 3) Your attorney's secretary
- 4) Someone else (please specify)
- 9) **Dk/Rf**

Q28. Overall, how many times did you meet or talk with your attorney about your case? **(SELECT ONE)**

- 1) One
- 2) Two
- 3) Three
- 4) Four or more times

9) **Dk/Rf**

Q29. In total, how long did you meet or talk with your attorney about your case? **(SELECT ONE)**

- 1) Less than 15 minutes
- 2) 15 minutes to one hour
- 3) One hour to 5 hours
- 4) More than 5 hours
- 9) **Dk/Rf**

Q30. Did your attorney tell you how he/she would be paid?

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q31. Overall, do you feel that you had enough time to meet with your attorney before you went to a dispute hearing(s)? **(SELECT ONE)**

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q32. In your opinion, did your attorney seem to understand your case? **(SELECT ONE)**

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q33. In your opinion, did your attorney seem to understand the workers' compensation law? **(SELECT ONE)**

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q34. Overall, how satisfied were you with your attorney? Would you say you were extremely satisfied, somewhat satisfied, somewhat dissatisfied or extremely dissatisfied? **(SELECT ONE)**

- 1) Extremely satisfied
- 2) Somewhat satisfied
- 3) Somewhat dissatisfied
- 4) Extremely dissatisfied
- 9) **Dk/Rf**

Q35. My attorney clearly explained to me any decision that was made about my workers' compensation dispute. Do you strongly disagree, somewhat disagree, somewhat agree or strongly disagree with that statement? **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat agree
- 3) Strongly agree
- 9) **Dk/Rf**

Q36. My attorney always treated me with respect and dignity. Do you strongly disagree, somewhat disagree, somewhat agree or strongly disagree with that statement? **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q37. My attorney was always available to speak with me about my workers' compensation dispute. Do you strongly disagree, somewhat disagree, somewhat agree or strongly disagree with that statement? **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q38. My attorney always dealt with me in a truthful and professional manner. Do you strongly disagree, somewhat disagree, somewhat agree or strongly disagree with that statement? **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q39. My attorney was always helpful and friendly. Do you strongly disagree, somewhat disagree, somewhat agree or strongly agree with that statement? **(SELECT ONE)**

- 1) Strongly disagree
- 2) Somewhat disagree
- 3) Somewhat agree
- 4) Strongly agree
- 9) **Dk/Rf**

Q40. How many other attorneys did you contact before you found your present attorney? **(SELECT ONE)**

- 1) None **(GO TO Q43)**
- 2) One
- 3) Two
- 4) Three or more
- 9) **Dk/Rf (GO TO Q43)**

Q41. Were any of the attorneys you contacted unwilling to take your case?

- 1) Yes
- 2) No **(GO TO Q43)**
- 9) **Dk/Rf (GO TO Q43)**

Q42. Why didn't the attorney(s) you contacted take your case? Please answer yes or no to each possible selection.

- 1) No financial incentive to take the case.
- 2) Didn't feel that your case was strong.
- 3) Attorney(s) not accepting new cases at that time
- 4) Attorney(s) not familiar with workers' compensation.
- 5) No reason given by attorney(s).
- 6) Other reason (please specify) _____.
- 9) **Dk/Rf**

Q43. Do you feel that you were adequately prepared for your dispute hearing(s)?

- 1) Yes
- 2) No
- 9) **Dk/Rf**

I appreciate your patience, the survey is almost over. Finally, I would like to ask you some questions about yourself. Remember, all your answers are strictly confidential.

Q44. At the time of your injury, how much did you know about workers' compensation? Would you say you knew a great deal, some, little or nothing about workers' compensation? **(SELECT ONE)**

- 1) A great deal
- 2) Some
- 3) Little
- 4) Nothing
- 9) **Dk/Rf**

Q45. How many years did you work for your employer before being injured? **(SELECT ONE)**

- 1) Less than 6 months
- 2) 6 months to one year
- 3) 1 to 2 years
- 4) 3 to 5 years
- 5) 5 to 10 years
- 6) More than 10 years
- 9) **Dk/Rf**

Q46. Overall, how satisfied were you with your job before you were injured? Would you say you were extremely satisfied, somewhat satisfied, somewhat dissatisfied or extremely dissatisfied? **(SELECT ONE)**

- 1) Very satisfied
- 2) Somewhat satisfied
- 3) Somewhat dissatisfied
- 4) Very dissatisfied
- 9) **Dk/Rf**

Q47. Are you currently receiving medical treatment for your job-related injury? (Medical treatment includes medication and follow-up doctor visits.)

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q48. When you were injured, did you have health insurance coverage?

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q49. Have you or other family members spent money on medical bills for your work related injury?

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q50. At the time of your injury, were your wages the sole source of your family's income? **(SELECT ONE)**

- 1) Yes
- 2) No
- 9) **Dk/Rf**

Q51. What is your current age?

- 1) _____(please insert actual age or ask respondent to estimate age)
- 9) **Dk/Rf**

Q52. Which of the following best describes the education you completed at the time of your injury? **(SELECT ONE)**

- 1) Less than eighth grade
- 2) Eighth grade or some high school
- 3) High school graduate/GED
- 4) Some technical training, vocational training, or college
- 5) College graduate
- 6) Post graduate
- 9) **Dk/Rf**

Q53. Finally, at the time of your injury, were you making:

- 1) Less than \$100 a week
- 2) \$100 to less than \$200 a week
- 3) \$200 to less than \$300 a week
- 4) \$300 to less than \$400 a week
- 5) \$400 to less than \$500 a week
- 6) \$500 or more a week
- 9) **Dk/Rf**

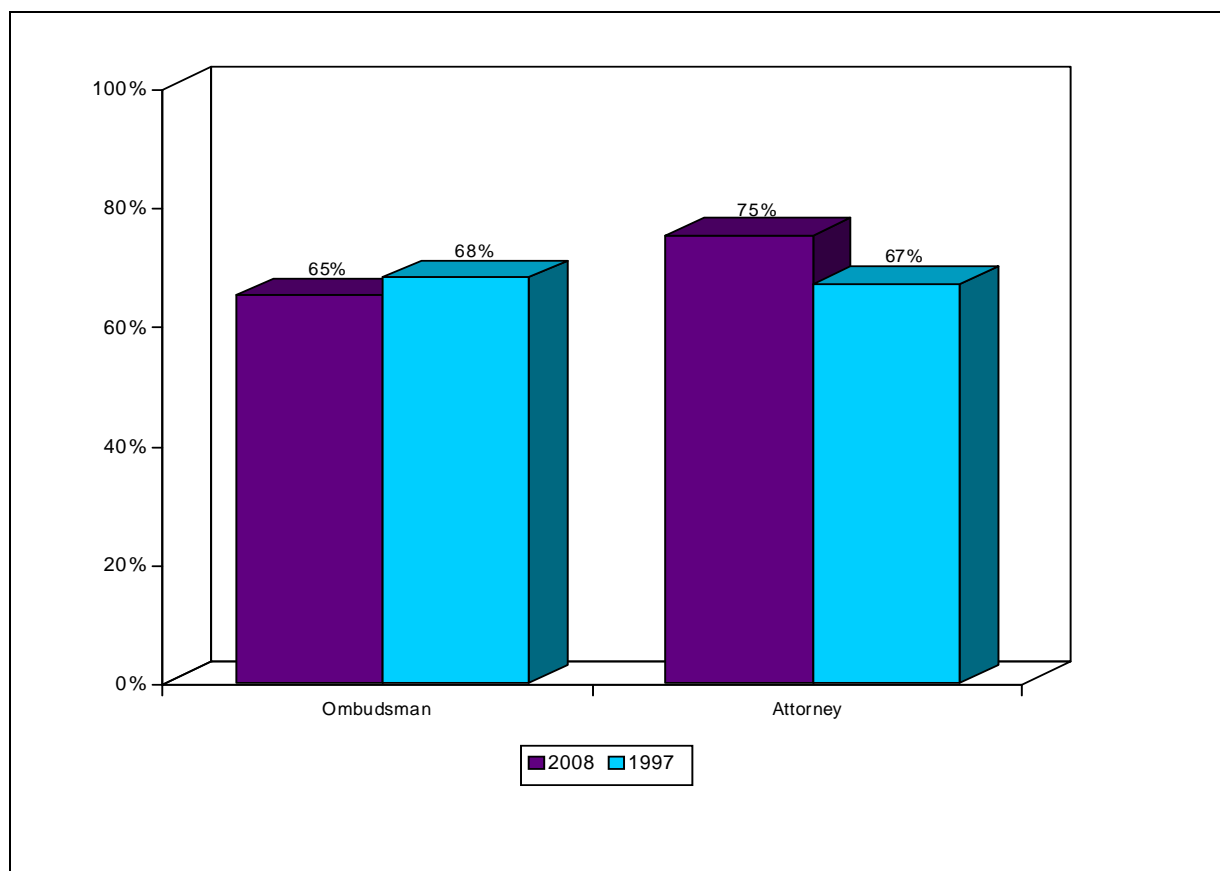
Q54. Don't ask, but note the gender of the respondent.

- 1) Male
- 2) Female

Closing: Thank you very much for your time and patience and have a good evening!

APPENDIX B: 1997 AND 2008 COMPARISON

Figure B-1
Unfairness Ratings of Workers' Compensation Dispute Process



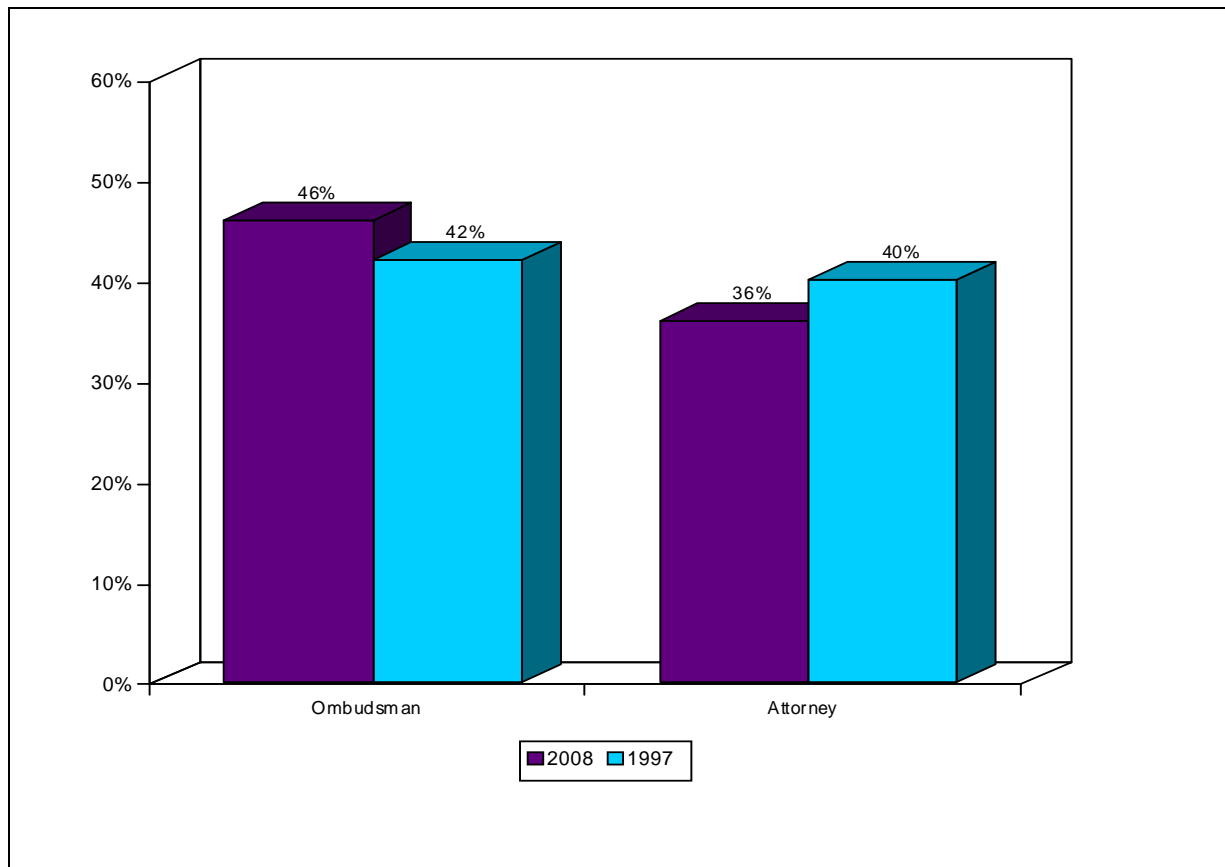
- Respondents were asked if, in their opinion, they would say the workers' compensation dispute process was fair. In Figure B-1 only the combined extremely or somewhat unfair ratings are shown. Percentages in 2008 have been rounded to nearest whole number to be consistent with 1997 percentages.
- Injured workers with attorney representation in 2008 (75 percent) were more likely than those in 1997 (67 percent) to report the dispute process was either extremely or somewhat unfair (see Figure B-1).

Table B-1
Reason Workers' Compensation Dispute Process Is Unfair to Injured Workers

Reason	Percentage responding	
	2008	1997
It takes too long to resolve a dispute	91	88
No one explained to you how the dispute process works	51	54
No one would listen to you or hear your side of the dispute	62	60
The insurance company had an attorney and you were unable to find an attorney to take your case	40	59
The hearing officer paid too much attention to the insurance company	73	73

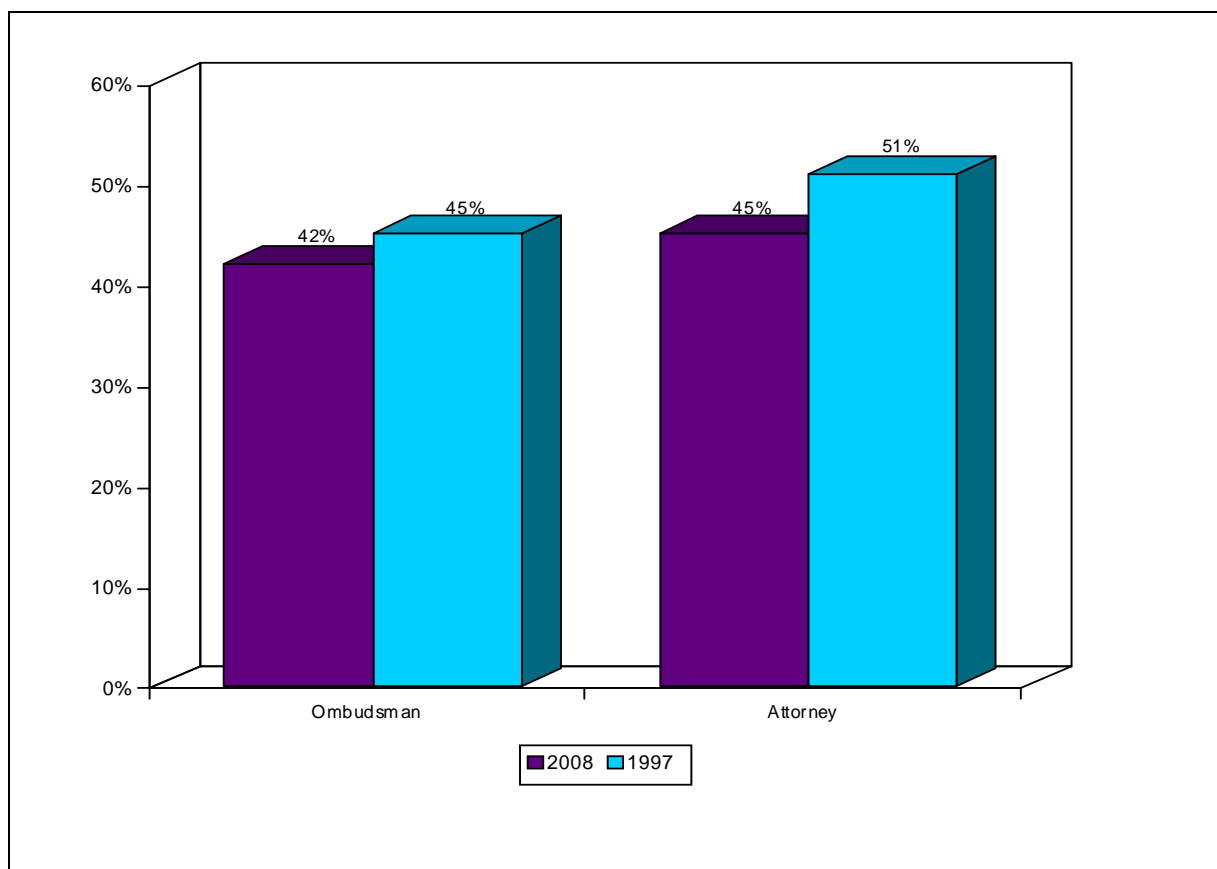
- Findings for 2008 were fairly similar to those of 1997 for the questions in Table B-1. The one exception was a decrease in percentage among injured workers who indicated that the insurance company had an attorney and they were unable to find an attorney to take their case: 2008 (40 percent) and 1997 (59 percent).

Figure B-2
Workers' Compensation Disputes Are Settled Fairly and Equally



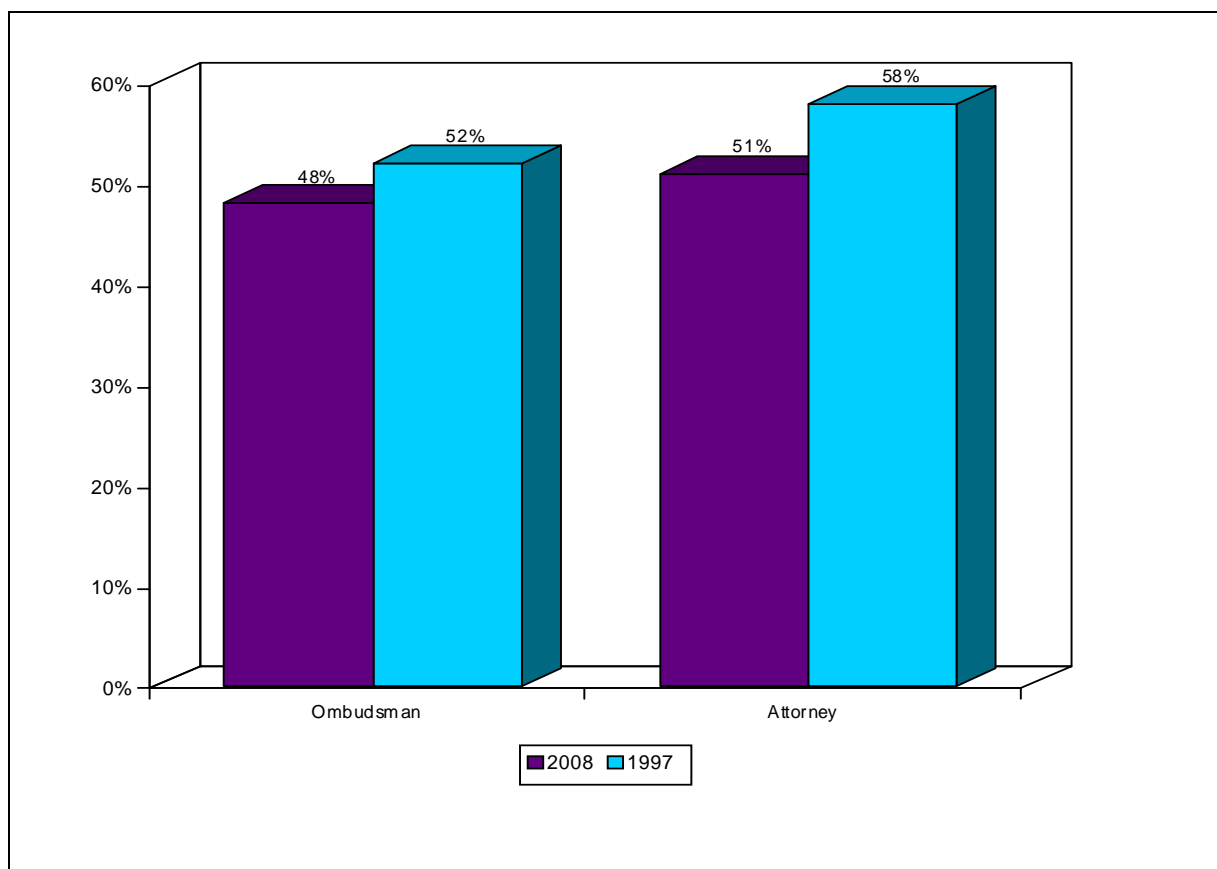
- Respondents were asked if they agreed with the statement, “Workers’ compensation disputes are settled by the Division of Workers’ Compensation fairly and equally.”
- Forty-six percent of injured workers with ombudsman assistance in 2008 and 42 percent of those in 1997 either strongly agreed or somewhat agreed that workers’ compensation disputes are settled fairly and equally (see Figure B-2).
- A smaller percentage of injured workers with attorney representation in 2008 (36 percent) either strongly agreed or somewhat agreed that disputes are settled fairly and equally than those in 1997 (40 percent).

Figure B-3
Language Used in Dispute Hearing(s) Was Too Difficult to Understand



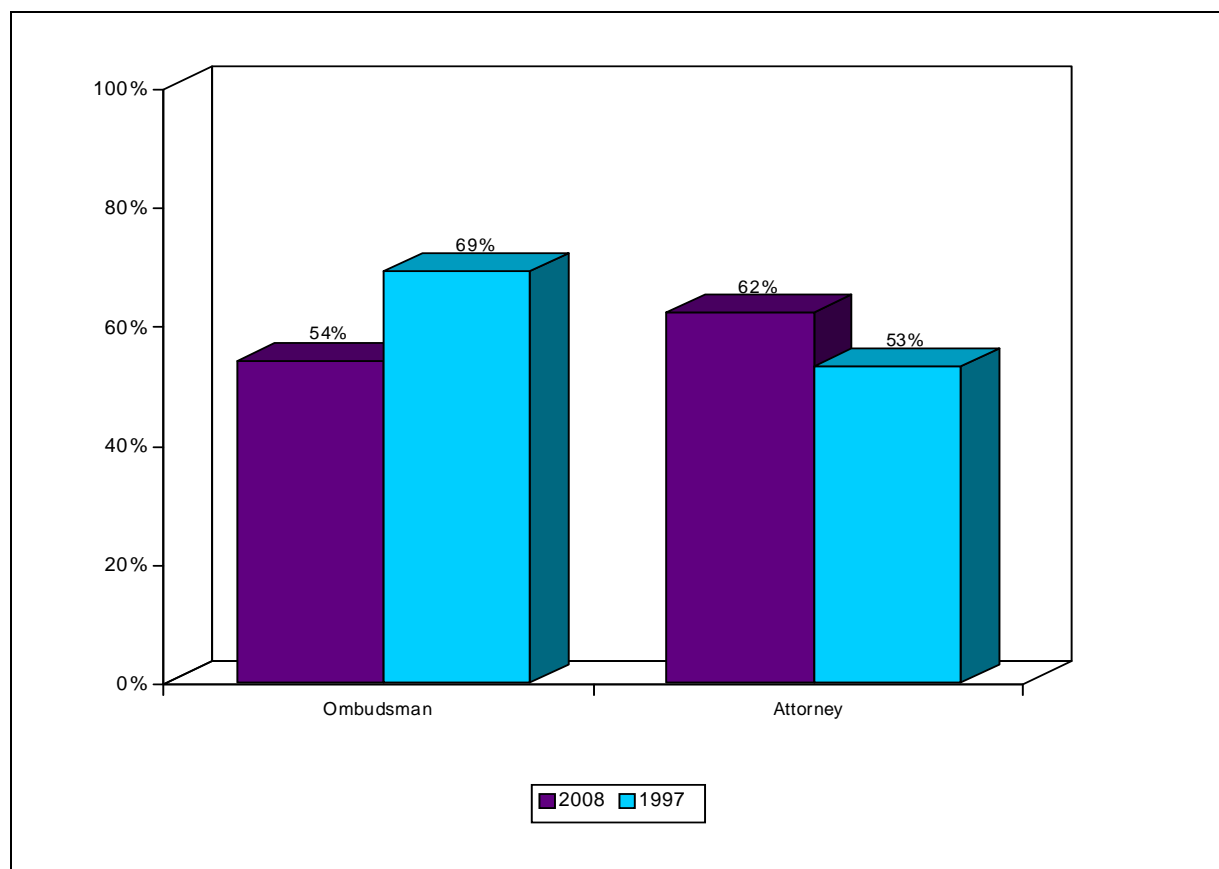
- Respondents were asked if they agreed with the statement, “The language used by people in the dispute hearing(s), or contested case hearing, was too difficult for you to understand.”
- A smaller percentage of injured workers in 2008 than in 1997, despite their choice of assistance/representation, either strongly agreed or somewhat agreed that the language used by people in the dispute hearing(s), or contested case hearing, was too difficult for them to understand (see Figure B-3).

Figure B-4
Reluctant to Ask Questions in Dispute Hearing(s)



- Respondents were asked if they agreed with the statement, “During the dispute hearing(s), you were reluctant to ask questions when you didn’t understand something.”
- Regardless of their choice of assistance/representation, injured workers in 2008 were less likely to report reluctance to ask questions when they didn’t understand something during the dispute hearing(s) compared to injured workers in 1997 (see Figure B-4).

Figure B-5
Received Assistance from Ombudsman/Attorney during Dispute



- Respondents were asked if they received any assistance from an ombudsman or hired an attorney during their dispute.
- In 2008, 54 percent of the injured workers had received assistance from an ombudsman compared to 69 percent in 1997 (see Figure B-5). The percentage of injured workers who hired an attorney increased to 62 percent from 53 percent in 1997.

Table B-2
Ways Respondent Heard about the Ombudsman Program*

Method	Percentage responding	
	2008	1997
Through someone from the Division of Workers' Compensation	81	76
Through brochures or a letter you received about your claim	49	53
Through the insurance adjuster or someone from the insurance company	14	8
Through a friend or relative	13	17
Through your employer	8	6
Through your union representative	5	-

- Respondents were asked how they heard about the Ombudsman program.
- While findings were similar in 2008 to those in 1997, a larger percentage of injured workers reported hearing about the Ombudsman program through someone from the Division of Workers' Compensation in 2008 than in 1997 (see Table B-2). The question about the union representative was not asked in 1997 and there was no data available for hearing about the Ombudsman Program in some other way in 1997.

* Because respondents could give more than one answer, the percentages will not total to 100.0 percent.

Table B-3
Why Chose to Be Represented by an Ombudsman *

Reason	Percentage responding	
	2008	1997
You had difficulty getting medical treatment or your weekly check**	70	-
The ombudsman program is free	68	65
You didn't understand how the workers' compensation system worked	66	77
Someone told you to use an ombudsman	47	47
You couldn't find an attorney to take your case	44	53
Your employer said that your injury was work-related**	39	-
Your employer fired you**	21	-

- Respondents were asked why they chose to be assisted by an Office of Injured Employee Counsel ombudsman. Reasons are shown in descending order of the 2008 percentages (see Table B-3).
- In 2008, the most common reasons given by injured workers for choosing to be assisted by an OIEC ombudsman were difficulty getting medical treatment or their weekly check (70 percent) and the ombudsman program is free (68 percent).
- In 1997, the top two reasons were they didn't understand how the workers' compensation system worked (77 percent) and the ombudsman program is free (65 percent).

* Because respondents could give more than one answer, the percentages will not total to 100.0 percent.

** These questions were new in 2008.

Table B-4
Reasons for Hiring an Attorney *

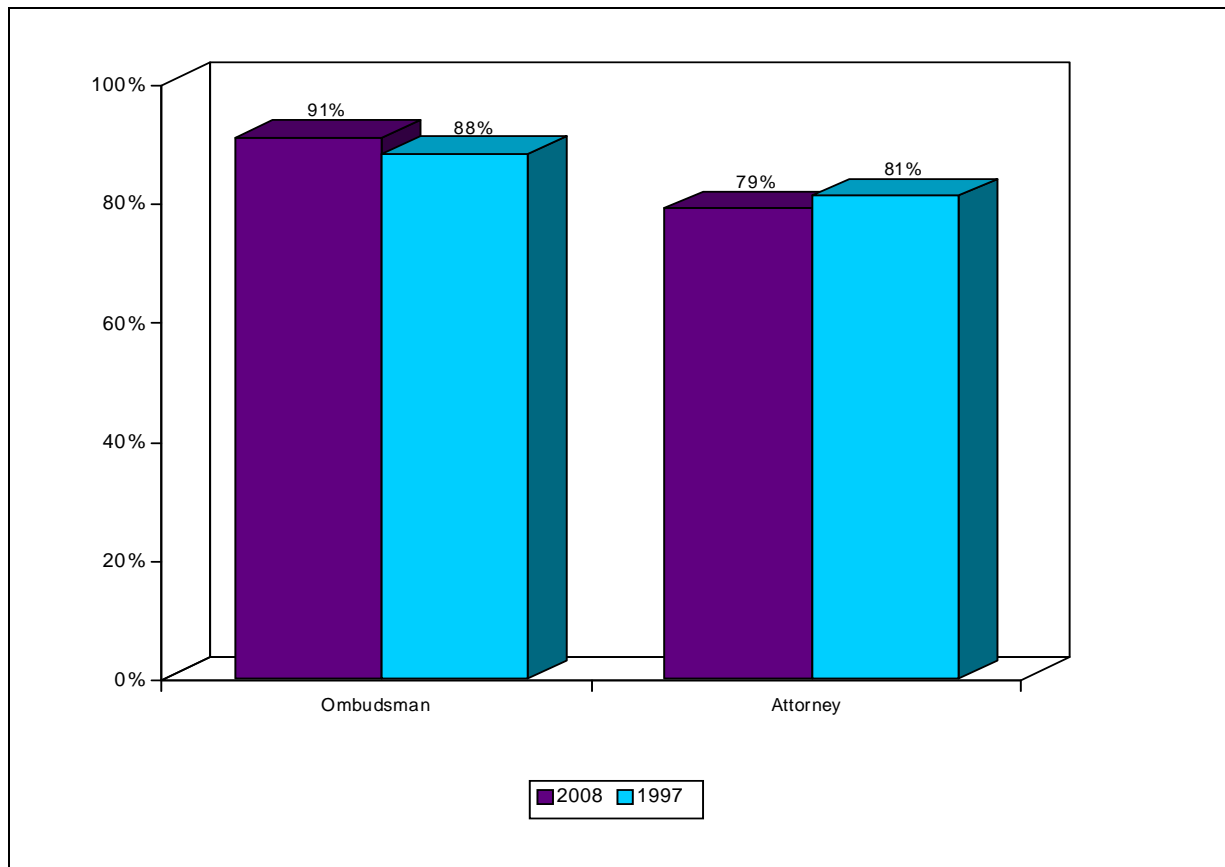
Reason	Percentage responding	
	2008	1997
You had difficulty getting medical treatment or your weekly check	84	74
You didn't understand how the workers' compensation system worked	67	63
Because insurance company had an attorney and you felt you needed one	64	74
Someone told you to hire an attorney	42	47
Your employer said that your injury was work-related**	38	-
Your employer fired you	33	41

- Respondents were asked why they decided to hire an attorney.
- In 2008, the most common reason injured workers gave for deciding to hire an attorney was because they had difficulty getting medical treatment or their weekly check (see Table B-4).
- In 1997, nearly three-quarters decided to hire an attorney because they had difficulty getting medical treatment or their weekly check (74 percent) and because the insurance company had an attorney and they felt they needed one (74 percent).

* Because respondents could give more than one answer, the percentages will not total to 100.0 percent.

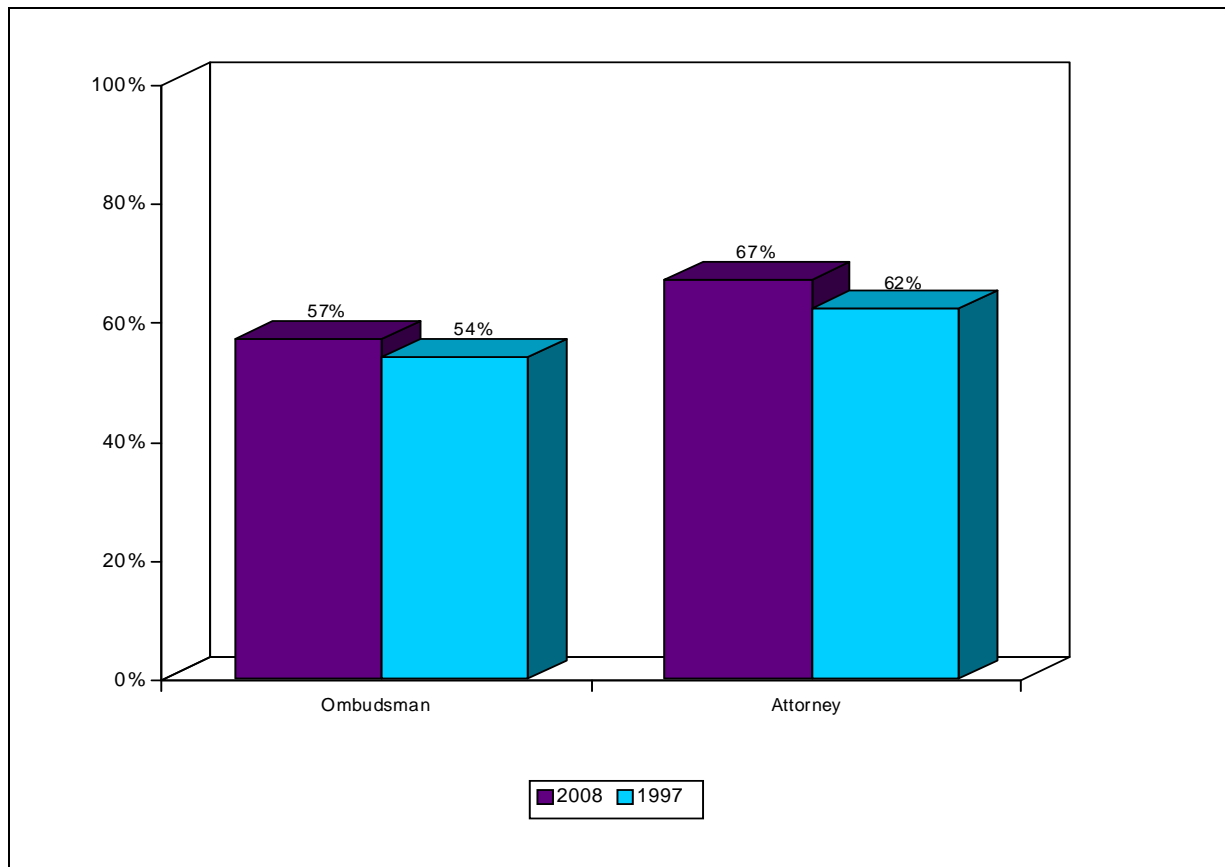
** These questions were new in 2008.

Figure B-6
Ombudsman/Attorney Went Over Case before Dispute Hearing



- Respondents were asked if their ombudsman went over their case with them before they went to a dispute hearing(s) or contested case hearing.
- Findings from 2008 were similar to those in 1997.
- In 2008, 91 percent of injured workers with ombudsman assistance and 79 percent of those with attorney representation indicated they had met with their respective ombudsman or attorney to go over their case before attending a hearing (see Figure B-6).
- In 1997, 88 percent of injured workers with ombudsman assistance and 81 percent of those with attorney representation reported meeting with their ombudsman or attorney before attending a hearing.

Figure B-7
Met or Spoke with Ombudsman/Attorney Four or More Times Overall

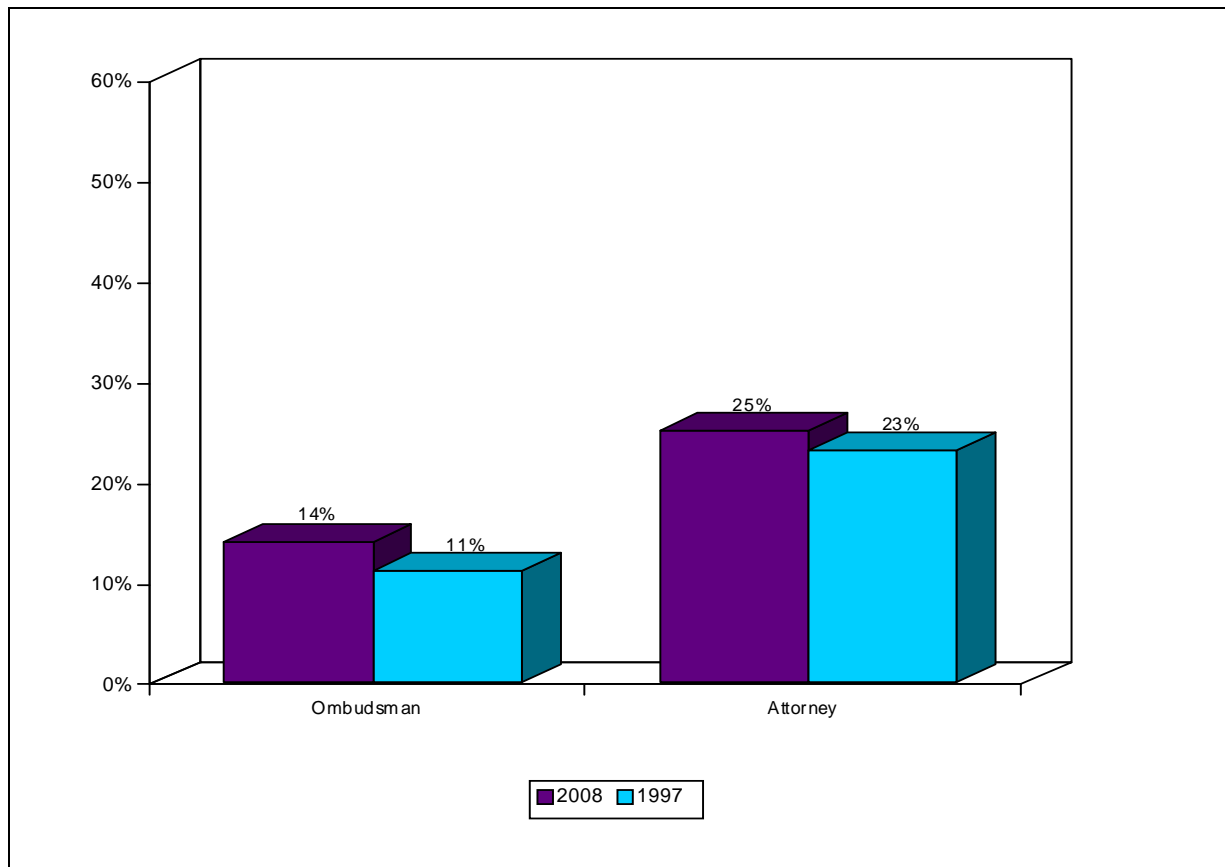


- Respondents were asked how many times, overall, they met with their ombudsman/attorney or spoke with them on the phone.
- Findings for injured workers with ombudsman assistance were similar for 2008 and 1997, while the percentage increased for injured workers with attorney representation in 2008 over 1997 (see Figure B-7).
- See Table B-5 for incremental percentage breakdowns.

Table B-5
Times Met or Spoke with Ombudsman/Attorney Overall by Year

	Percentage responding			Four or more times
	One time	Two times	Three times	
2008				
Ombudsman	8	16	19	57
Attorney	7	11	15	67
1997				
Ombudsman	12	17	17	54
Attorney	10	13	15	62

Figure B-8
Spent More than Five Hours with Ombudsman/Attorney



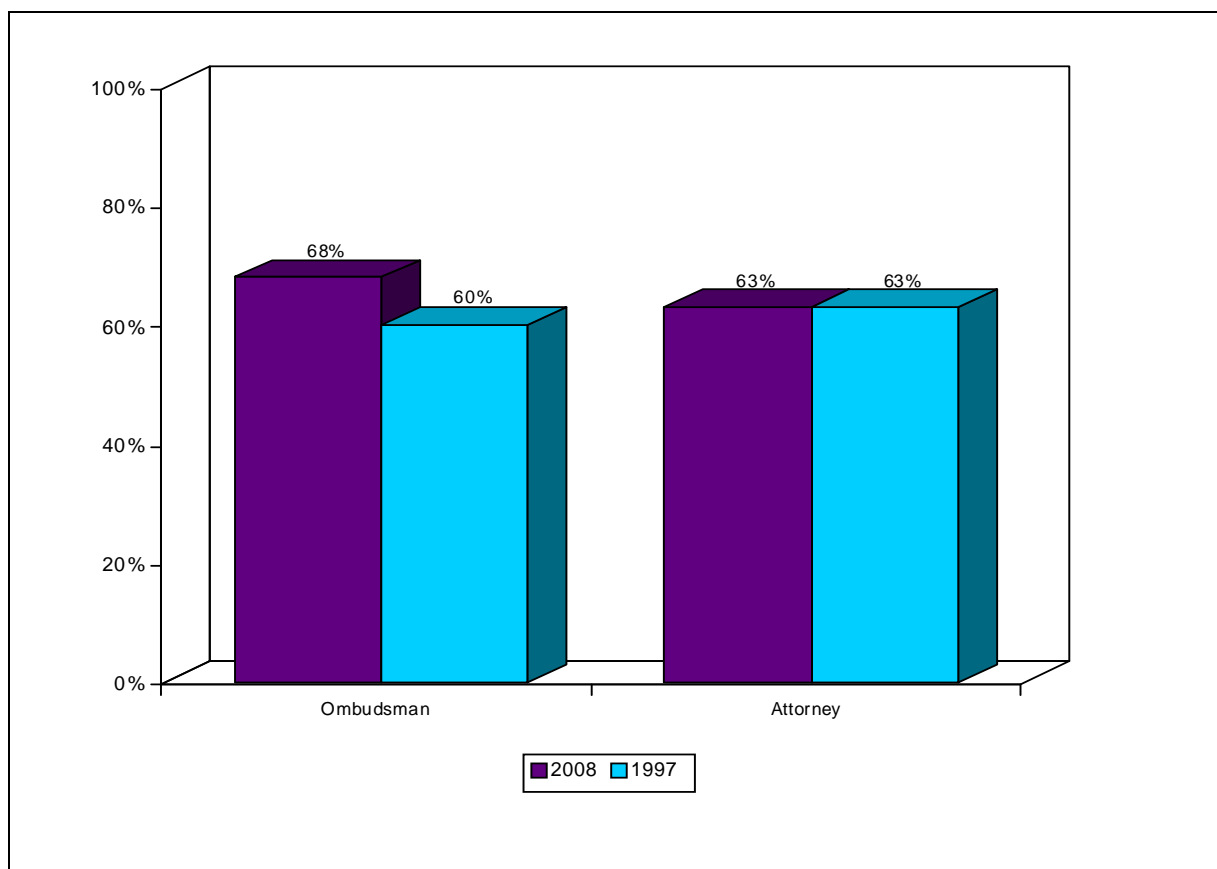
- Respondents were asked how long they spent meeting or talking with their ombudsman/attorney about their case.
- There appears to be an increase in the percentage of injured workers with ombudsman assistance and with attorney representation in 2008 who reported spending more than 5 hours meeting or talking with their ombudsman/attorney about their case compared to those in 1997 (see Figure B-8).
- See Table B-6 for incremental percentage breakdowns.

Table B-6
Time Spent with Ombudsman/Attorney by Year

Percentage responding		1 to 5 hours	More than 5 hours
Less than 15 minutes	15 minutes to 1 hour		

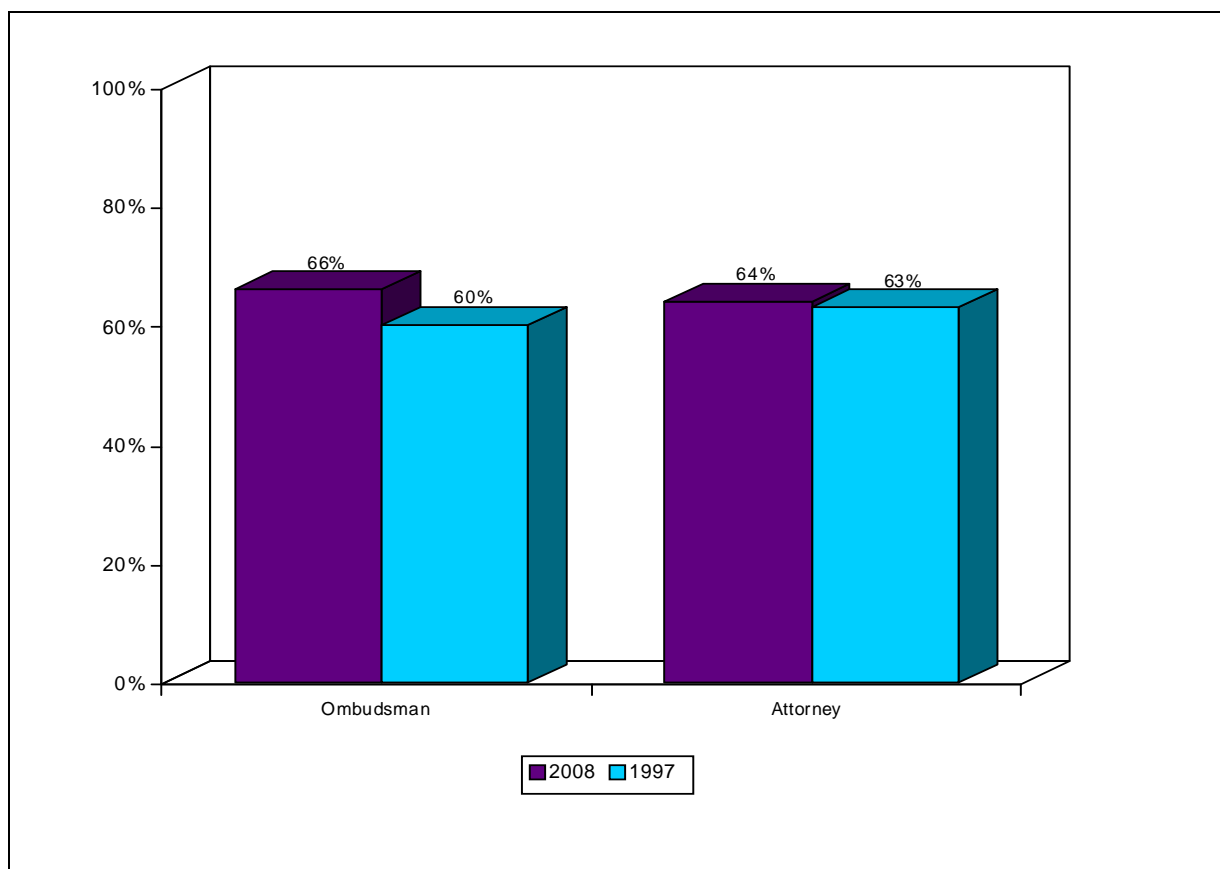
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2008				
Ombudsman	11	41	34	14
Attorney	11	35	29	25
1997				
Ombudsman	13	38	26	23
Attorney	17	46	27	11

Figure B-9
Had Enough Time to Meet with Ombudsman/Attorney



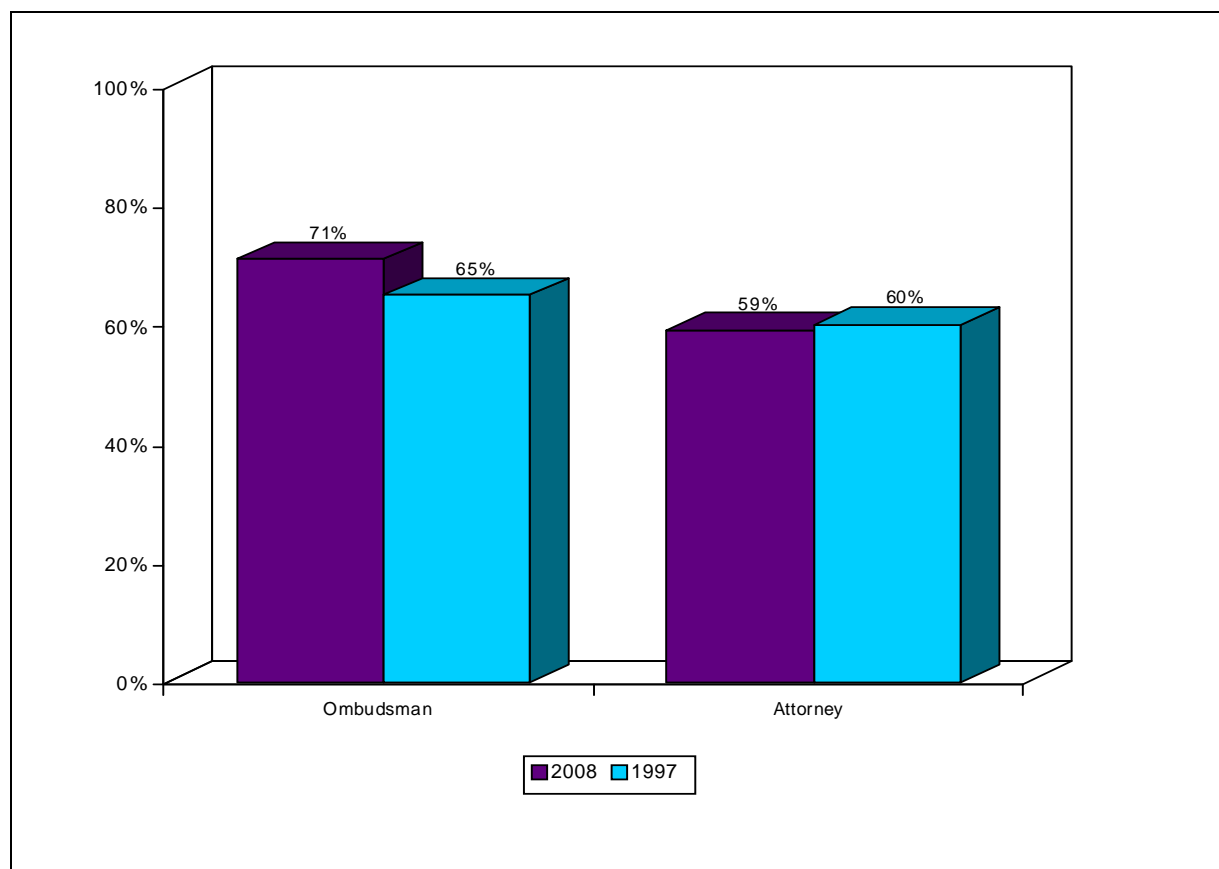
- Respondents were asked if they had enough time to meet with their ombudsman or attorney before the dispute hearing.
- The percentage of injured workers with ombudsman assistance who reported having enough time to meet with their ombudsman before the hearing was greater in 2008 compared to 1997 (see Figure B-9). Findings were the same for injured workers with attorney representation.

Figure B-10
Felt Adequately Prepared for Dispute Hearing(s)



- Respondents were asked if they felt they were adequately prepared for their dispute hearing.
- A greater percentage of injured workers with ombudsman assistance in 2008 (66 percent) than in 1997 (60 percent) reported feeling adequately prepared for their dispute hearing (see Figure B-10). The findings were very similar for injured workers with attorney representation.

Figure B-11
Overall Satisfaction with Ombudsman/Attorney



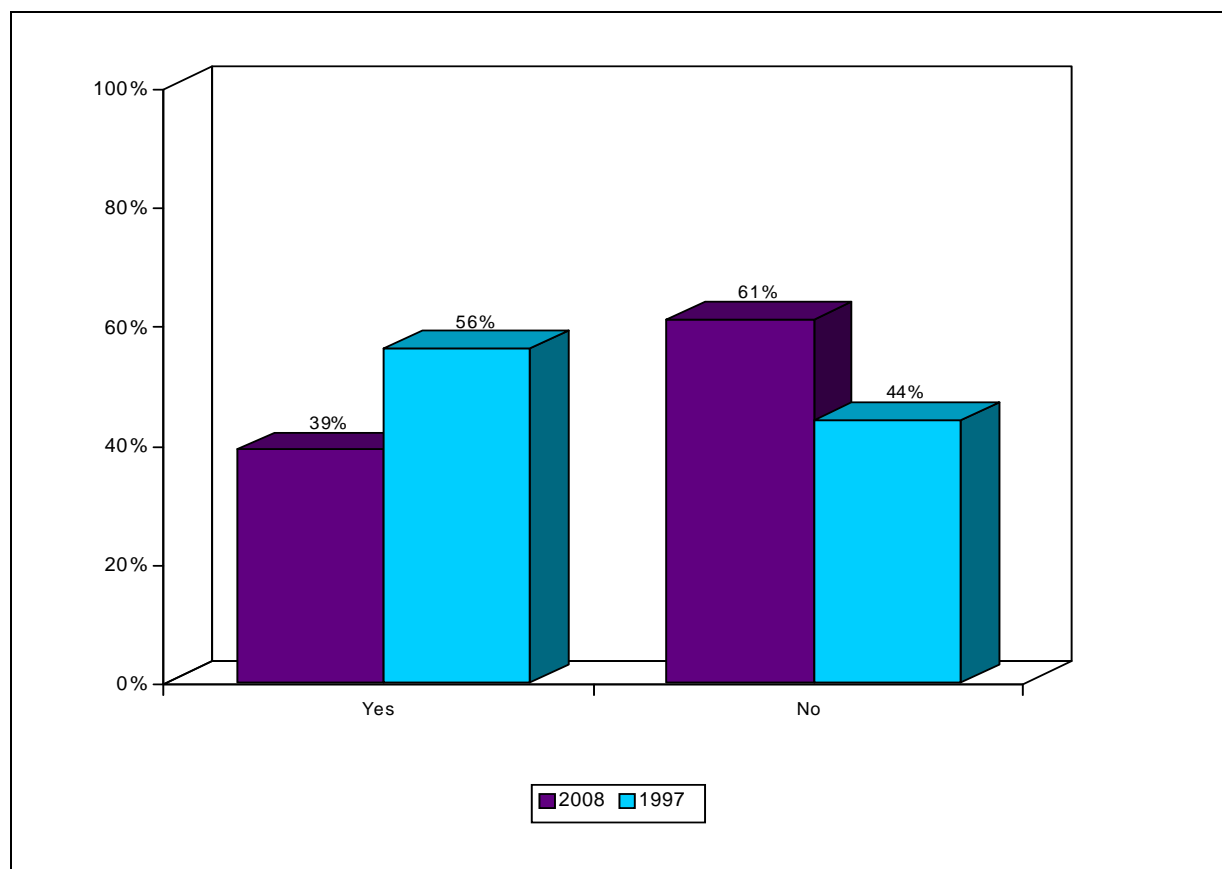
- Respondents were asked, overall, how satisfied they were with their ombudsman/attorney.
- A greater percentage of injured workers with ombudsman assistance in 2008 (71 percent) were either extremely satisfied or somewhat satisfied compared to those in 1997 (65 percent). The findings were very similar for injured workers with attorney representation (see Figure B-11).

Table B-7
Communication with Ombudsman

	Percentage responding	
	2008	1997
My ombudsman/attorney clearly explained to me any decision that was made about my WC dispute in language that I could understand.		
Ombudsman	81	72
Attorney	68	69
My ombudsman/attorney always treated me with respect and dignity.		
Ombudsman	92	85
Attorney	83	83
My ombudsman/attorney was always available to speak with me about my WC dispute.		
Ombudsman	66	54
Attorney	57	58
My ombudsman/attorney always dealt with me in a truthful and professional manner.		
Ombudsman	87	81
Attorney	77	77
My ombudsman/attorney was always helpful and friendly.		
Ombudsman	89	81
Attorney	78	78

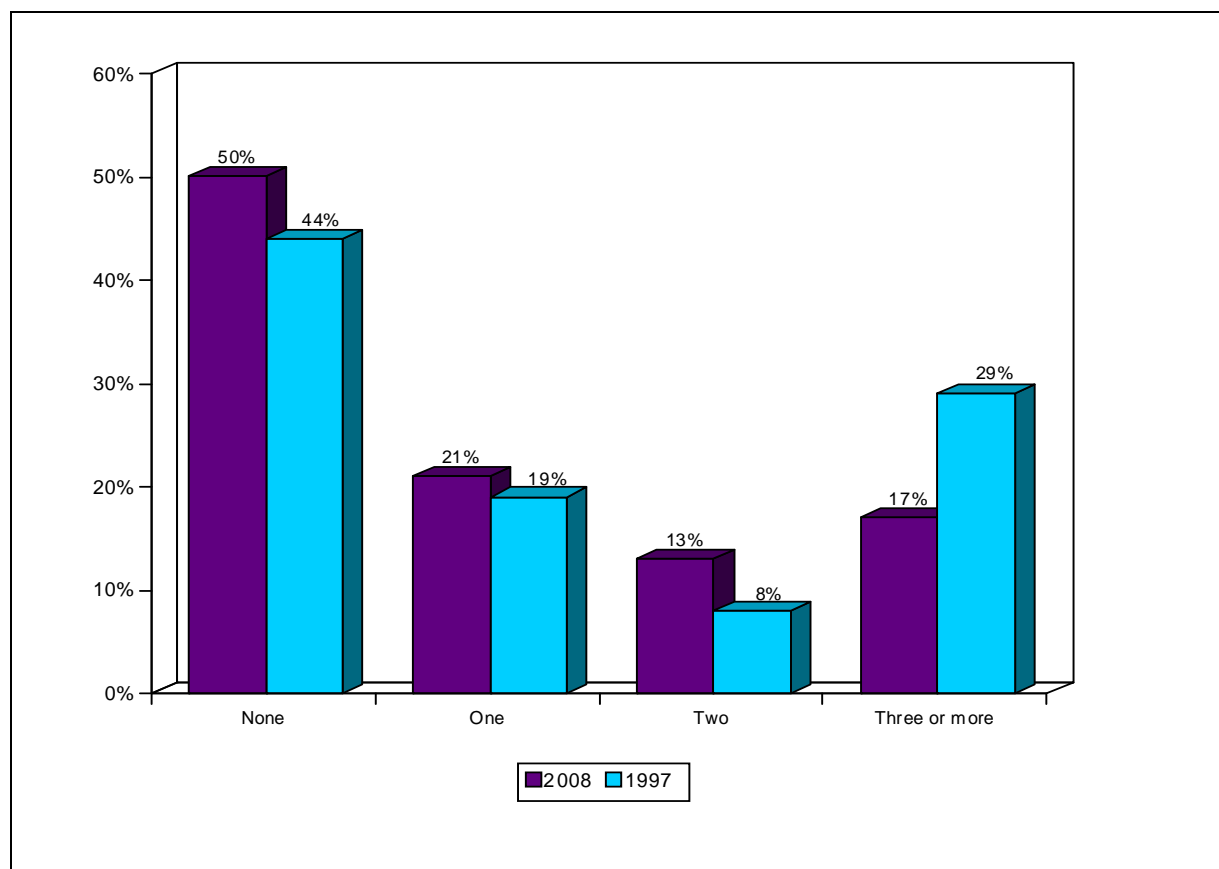
- Respondents were asked if they either strongly or somewhat agreed with five statements about communications between them and their ombudsman. The combined strongly/somewhat agree percentage is shown above for 2008 and 1997 (see Table B-7).
- Injured workers in 2008 with ombudsman assistance were more likely to agree with the statements than those in 1997 with ombudsman assistance. Agreement remained virtually unchanged in 2008 and 1997 for those with attorney representation.

Figure B-12
Tried to Hire an Attorney



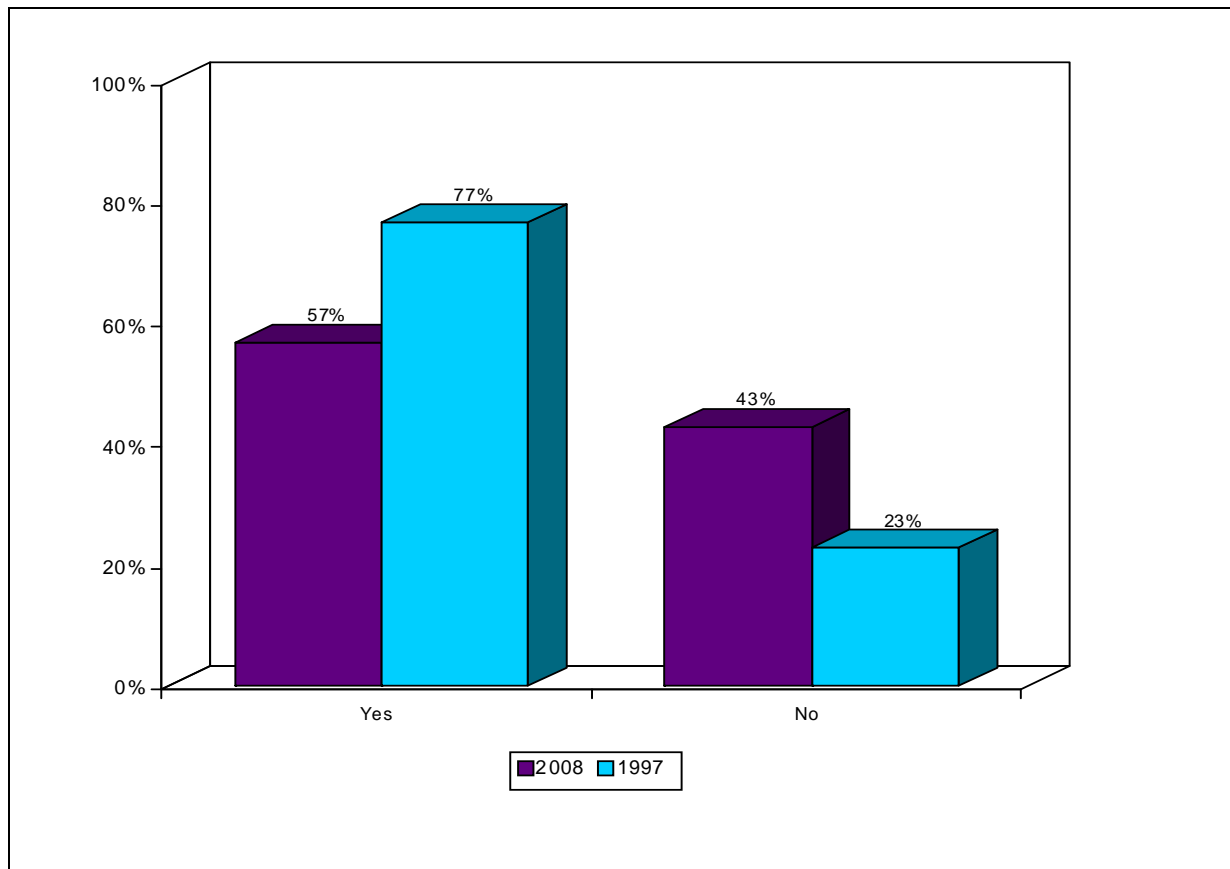
- Injured workers who did not hire an attorney were asked if they had tried to hire an attorney.
- In 2008, 39 percent of injured workers tried but were unsuccessful in their attempt to hire an attorney compared to 56 percent in 1997 (see Figure B-12).

Figure B-13
Number of Attorneys Contacted Before Found Present Attorney



- Injured workers were asked how many other attorneys they contacted before they found their present attorney.
- As shown in Figure B-13, a smaller percentage of injured workers in 2008 (17 percent) contacted three or more attorneys before they found their present attorney compared to 1997 findings (29 percent).

Figure B-14
Attorneys Contacted Were Unwilling to Take Case



- Respondents who tried to hire an attorney were asked if there were other attorneys they contacted who were unwilling to take their case.
- As shown in Figure B-14, injured workers were less likely to report contacting other attorneys who were unwilling to take their case in 2008 (57 percent) than in 1997 (77 percent).

Table B-8
Reason Attorney Contacted Did Not Take Case

Reason	Percentage responding	
	2008	1997
No financial incentive to take the case	56	70
Attorney(s) not familiar with workers' compensation	42	44
Didn't feel that your case was strong	38	29
Attorney(s) not accepting new cases at that time	36	28
No reason given by attorney	30	-

- Respondents who contacted attorneys who were unwilling to take their case were asked the reason for this unwillingness (see Table B-8).
- In 2008, the most common reason the attorney gave for being unwilling to take the case was no financial incentive (56 percent). This percentage in 1997 was 70 percent. This was followed by unfamiliarity with workers' compensation (42 percent in 2008) which was similar to 1997 (44 percent in 1997).